

# SENATE JOURNAL

— 1987 —

VOLUME 2

REGULAR SESSION

AND FIRST, SECOND AND THIRD SPECIAL  
SESSIONS

FIFTIETH LEGISLATURE

STATE OF WASHINGTON

AT

OLYMPIA, the State Capitol

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

1987 First Special Session  
Convened April 27, 1987  
Adjourned Sine Die May 21, 1987

1987 Second Special Session  
Convened August 10, 1987  
Adjourned Sine Die August 10, 1987

1987 Third Special Session  
Convened October 10, 1987  
Adjourned Sine Die October 10, 1987

Compiled, Edited and Indexed by  
SID SNYDER, *Secretary of the Senate*



MARY WILEY  
*Minute and Journal Clerk*

---

JOHN A. CHERBERG, *President of the Senate*  
A. L. "SLIM" RASMUSSEN, *President Pro Tempore*  
ALBERT BAUER, *Vice President Pro Tempore*

## SENATE CAUCUS OFFICERS

### DEMOCRATIC CAUCUS

*Majority Leader* ..... R. TED BOTTIGER  
*Chairman* ..... GEORGE FLEMING  
*Assistant Majority Leader* ..... LARRY L. VOGNILD  
*Vice Chairman* ..... R. LORRAINE WOJAHN  
*Majority Whip* ..... RICK S. BENDER

### REPUBLICAN CAUCUS

*Minority Leader* ..... JEANNETTE HAYNER  
*Chairman* ..... GEORGE L. SELLAR  
*Republican Floor Leader* ..... IRV NEWHOUSE  
*Republican Whip* ..... HAL ZIMMERMAN  
*Vice Chairman* ..... STANLEY C. JOHNSON  
*Asst. Republican Floor*  
*Leader* ..... GERALD L. (JERRY) SALING  
*Assistant Whip* ..... JACK METCALF

---

---

*Secretary of the Senate* ..... SID SNYDER  
*Assistant Secretary* ..... BILL GLEASON  
*Sergeant at Arms* ..... O. F. "OLE" SCARPELLI  
*Secretary to the Secretary* ..... NYLA WOOD  
*Reader* ..... DAVE DeFORREST  
*Minute and Journal Clerk* ..... MARY WILEY



**INDEX**  
**VOLUME I**

Regular Session, January 12, 1987, through  
April 14, 1987 .....pages 1-1500

**VOLUME II**

Regular Session (continued) April 15, 1987,  
through April 26, 1987 .....pages 1501-2389

First Special Session, April 27, 1987, through  
May 21, 1987 .....pages 2391-2678

Second Special Session, August 10, 1987 .....pages 2679-2690

Third Special Session, October 10, 1987 .....pages 2691-2714

Roster of Members .....pages 2716-2727

Governor's Messages  
Bill Signed after adjournment .....page 2728

Veto on Senate Bills .....pages 2729-2744

History of Bills .....pages 2745-2851

General Index .....pages 2852-3038



## NINETY-FOURTH DAY

---

### MORNING SESSION

---

Senate Chamber, Olympia, Wednesday, April 15, 1987

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators McDonald and Owen.

The Sergeant at Arms Color Guard, consisting of Pages Leslie Martinez and Peter Pederson, presented the Colors. Reverend Ronald W. Hastie, pastor of the Evergreen Christian Center of Olympia, offered the prayer.

#### MOTION

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

#### REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

April 14, 1987

GA 9014      JON RUNSTAD, appointed October 3, 1985, for a term ending June 30, 1987, as a member of the Higher Education Coordinating Board.  
Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Benitz, Craswell, Patterson, Saling, Smitherman, Warnke.

Referred to Committee on Rules.

April 14, 1987

GA 9027      HARRY E. MORGAN, JR., reappointed March 28, 1986, for a term ending March 26, 1990, as a member of the Higher Education Facilities Authority.  
Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Benitz, Craswell, Patterson, Saling, Smitherman, Warnke.

Referred to Committee on Rules.

April 14, 1987

GA 9037      R. DAN LEARY, reappointed June 19, 1986, for a term ending September 30, 1988, as a member of the Washington State University Board of Regents.  
Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Benitz, Craswell, Patterson, Saling, Smitherman, Warnke.

Referred to Committee on Rules.

April 14, 1987

GA 9058      PHILIP S. HAYES, reappointed October 8, 1986, for a term ending April 30, 1990, as a member of the State Board for Community College Education.  
Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Benitz, Craswell, Patterson, Saling, Smitherman, Warnke.

Referred to Committee on Rules.

April 14, 1987

GA 9059     ANDREW S. HESS, appointed October 14, 1986, for a term ending June 30, 1989, as a member of the Higher Education Coordinating Board.  
Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Benitz, Craswell, Patterson, Saling, Smitherman, Warnke.

Referred to Committee on Rules.

April 14, 1987

GA 9067     DR. MAX M. SNYDER, reappointed October 8, 1986, for a term ending April 30, 1990, as a member of the State Board for Community College Education.  
Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Benitz, Craswell, Patterson, Saling, Smitherman, Warnke.

Referred to Committee on Rules.

April 14, 1987

GA 9085     GRACE CHIEN, appointed January 6, 1987, for a term ending July 1, 1989, as a member of the Higher Education Personnel Board.  
Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Benitz, Craswell, Patterson, Saling, Smitherman, Warnke.

Referred to Committee on Rules.

April 14, 1987

GA 9086     WILLIAM A. BLACK, appointed January 17, 1987, for a term ending September 30, 1991, as a member of the Board of Trustees for Everett Community College District No. 5.  
Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Benitz, Craswell, Patterson, Saling, Smitherman, Warnke.

Referred to Committee on Rules.

April 14, 1987

GA 9090     GIRARD CLARK, appointed January 17, 1987, for a term ending September 30, 1991, as a member of the Board of Trustees for Spokane Community College District No. 17.  
Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Benitz, Craswell, Patterson, Saling, Smitherman, Warnke.

Referred to Committee on Rules.

April 14, 1987

GA 9098     DON S. SCHWERIN, appointed January 23, 1987, for a term ending September 30, 1989, as a member of the Board of Trustees for Walla Walla Community College District No. 20.  
Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Benitz, Craswell, Patterson, Saling, Smitherman, Warnke.

Referred to Committee on Rules.

April 14, 1987

GA 9104 FRED H. DeBERRY, appointed February 24, 1987, for a term ending July 1, 1991, as a member of the Board of Trustees for the State School for the Deaf.  
Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Benitz, Craswell, Patterson, Saling, Smitherman, Warnke.

Referred to Committee on Rules.

April 14, 1987

GA 9105 MARLYN MINKIN, appointed February 24, 1987, for a term ending July 1, 1991, as a member of the Board of Trustees for the State School for the Deaf.  
Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Benitz, Craswell, Patterson, Saling, Smitherman, Warnke.

Referred to Committee on Rules.

April 14, 1987

GA 9110 JOHN P. KNISKERN, appointed February 17, 1987, for a term ending September 30, 1991, as a member of the Board of Trustees for Highline Community College District No. 9.  
Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Benitz, Craswell, Patterson, Saling, Smitherman, Warnke.

Referred to Committee on Rules.

#### MESSAGE FROM THE GOVERNOR

April 14, 1987

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

I have the honor to advise you that on April 14, 1987, Governor Gardner approved the following Senate Bills entitled:

Substitute Senate Bill No. 5136

Relating to motor vehicle license plates.

Senate Bill No. 5138

Relating to the confidentiality of information received under tax deferral and tax credit programs.

Substitute Senate Bill No. 5144

Relating to regulation of fertilizers and pesticides.

Senate Bill No. 5146

Relating to life insurance coverage for port district commissioners.

Senate Bill No. 5149

Relating to the court of appeals.

Substitute Senate Bill No. 5196

Relating to insurance.

Senate Bill No. 5277

Relating to reflectorized license plates.

Senate Bill No. 5523

Relating to state government.

Substitute Senate Bill No. 5581

Relating to beer retailers.

Substitute Senate Bill No. 5763

Relating to the department of fisheries.

Sincerely,

TERRY SEBRING, Legal Counsel to the Governor

MESSAGES FROM THE HOUSE

April 14, 1987

Mr. President:

The Speaker has signed:

HOUSE BILL NO. 67,

HOUSE BILL NO. 110,

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, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 14, 1987

Mr. President:

The House has passed:

SUBSTITUTE SENATE BILL NO. 5130,

SENATE BILL NO. 5412,

SENATE BILL NO. 5416,

SENATE BILL NO. 5444,

SENATE BILL NO. 5469,

SUBSTITUTE SENATE BILL NO. 5911,

ENGROSSED SENATE JOINT RESOLUTION NO. 8212, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 14, 1987

Mr. President:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 188,

HOUSE BILL NO. 194,

HOUSE BILL NO. 197,

HOUSE BILL NO. 199,

HOUSE BILL NO. 200,

HOUSE BILL NO. 203,

HOUSE BILL NO. 248,

HOUSE BILL NO. 250,

HOUSE BILL NO. 261,

SUBSTITUTE HOUSE BILL NO. 329,

SUBSTITUTE HOUSE BILL NO. 347,

HOUSE BILL NO. 352,

HOUSE BILL NO. 374,

HOUSE BILL NO. 379,

HOUSE BILL NO. 403,

SUBSTITUTE HOUSE BILL NO. 415,

HOUSE BILL NO. 431,

SUBSTITUTE HOUSE BILL NO. 465,

SECOND SUBSTITUTE HOUSE BILL NO. 480,

HOUSE BILL NO. 559,

HOUSE BILL NO. 643,

SUBSTITUTE HOUSE BILL NO. 656,

SUBSTITUTE HOUSE BILL NO. 665,

SUBSTITUTE HOUSE BILL NO. 669,

SUBSTITUTE HOUSE BILL NO. 732,

SUBSTITUTE HOUSE BILL NO. 746,

HOUSE BILL NO. 753,  
 HOUSE BILL NO. 1027,  
 HOUSE BILL NO. 1204, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 13, 1987

Mr. President:

The House has passed:

SENATE BILL NO. 5002,

SENATE BILL NO. 5017,

SENATE BILL NO. 5194,

SENATE BILL NO. 5248,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5285,

SENATE BILL NO. 5413,

SENATE BILL NO. 5642,

SUBSTITUTE SENATE BILL NO. 5717,

SENATE JOINT RESOLUTION NO. 8207, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MESSAGES FROM THE HOUSE

April 13, 1987

Mr. President:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 5299,

SECOND SUBSTITUTE SENATE BILL NO. 5515, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 5002,

SENATE BILL NO. 5017,

SENATE BILL NO. 5194,

SENATE BILL NO. 5248,

SUBSTITUTE SENATE BILL NO. 5285,

SENATE BILL NO. 5413,

SENATE BILL NO. 5642,

SUBSTITUTE SENATE BILL NO. 5717,

SUBSTITUTE SENATE BILL NO. 5824,

SENATE JOINT MEMORIAL NO. 8008,

SENATE JOINT RESOLUTION NO. 8207.

SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 67,

HOUSE BILL NO. 110,

SUBSTITUTE HOUSE BILL NO. 153,

SUBSTITUTE HOUSE BILL NO. 188,

HOUSE BILL NO. 194,

HOUSE BILL NO. 197,

HOUSE BILL NO. 199,

HOUSE BILL NO. 200,

HOUSE BILL NO. 203,

HOUSE BILL NO. 248,

HOUSE BILL NO. 250,

HOUSE BILL NO. 261,

HOUSE BILL NO. 326,

SUBSTITUTE HOUSE BILL NO. 329,

SUBSTITUTE HOUSE BILL NO. 347,

HOUSE BILL NO. 352,

HOUSE BILL NO. 374,

HOUSE BILL NO. 379,

SUBSTITUTE HOUSE BILL NO. 391,  
 HOUSE BILL NO. 399,  
 HOUSE BILL NO. 403,  
 SUBSTITTUTE HOUSE BILL NO. 415,  
 HOUSE BILL NO. 431,  
 SUBSTITTUTE HOUSE BILL NO. 465,  
 SECOND SUBSTITUTE HOUSE BILL NO. 480,  
 SUBSTITTUTE HOUSE BILL NO. 506,  
 HOUSE BILL NO. 559,  
 HOUSE BILL NO. 643,  
 SUBSTITTUTE HOUSE BILL NO. 656,  
 SUBSTITTUTE HOUSE BILL NO. 665,  
 SUBSTITTUTE HOUSE BILL NO. 669,  
 SUBSTITTUTE HOUSE BILL NO. 677,  
 SUBSTITTUTE HOUSE BILL NO. 732,  
 SUBSTITTUTE HOUSE BILL NO. 746,  
 HOUSE BILL NO. 753,  
 SUBSTITTUTE HOUSE BILL NO. 970,  
 HOUSE BILL NO. 985,  
 HOUSE BILL NO. 1027,  
 HOUSE BILL NO. 1204.

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

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 937, by Committee on Commerce and Labor (originally sponsored by Representatives Jacobsen, Lux, R. King, Appelwick, Wang and Cole)

Establishing time limit for forwarding of industrial insurance claims information by self-insurers.

The bill was read the second time.

#### MOTION

On motion of Senator Vognild, the rules were suspended. Substitute House Bill No. 937 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 937.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 937 and the bill passed the Senate by the following vote: Yeas, 47; absent, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, Metcalf, Moore, Nelson, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Absent: Senators McDonald, Owen - 2.

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.

#### SECOND READING

HOUSE BILL NO. 947, by Representatives Berozoff, 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.



## MOTION

On motion of Senator Bender, the rules were suspended, House Bill No. 947 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 947.

## ROLL CALL

The Secretary called the roll on final passage of House Bill No. 947 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarmatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalif, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognilid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

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.

## SECOND READING

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.

## MOTIONS

Senator Halsan moved that the following Committee on Governmental Operations amendment be adopted:

Strike everything after the enacting clause and insert the following:

\*Sec. 1. Section 1, chapter 142, Laws of 1965 ex. sess. as last amended by section 1, chapter 54, Laws of 1983 and RCW 41.60.010 are each amended to read as follows:

As used in this chapter:

(1) "Board" means the productivity board.

(2) "Employee suggestion program" means the program developed by the board under RCW 41.60.020.

(3) "State employees" means employees in state agencies ((subject to chapter 41.06 or 28B.16 RCW)) and institutions of higher education except for elected officials, directors of such agencies and institutions, and their confidential secretaries and administrative assistants and others specifically ruled ineligible by the rules of the productivity board.

Sec. 2. Section 1, chapter 167, Laws of 1982 as last amended by section 1, chapter 114, Laws of 1985 and RCW 41.60.015 are each amended to read as follows:

(1) There is hereby created the productivity board. The board shall administer the employee suggestion program under this chapter and shall review applications for teamwork incentive pay for state employees under RCW 41.60.100, 41.60.110, and 41.60.120.

(2) The board shall be composed of:

(a) The secretary of state who shall act as chairperson;

(b) The director of personnel appointed under the provisions of RCW 41.06.130 or the director's designee;

(c) The director of financial management or the director's designee;

(d) The personnel director appointed under the provisions of RCW 28B.16.060 or the director's designee; ~~((and))~~

(e) The director of general administration or the director's designee;

(f) Three persons with experience in administering incentives such as those used by industry, with the governor, lieutenant governor, and speaker of the house of representatives each appointing one person. The governor's appointee shall be a representative of an employee organization certified as an exclusive representative of at least one bargaining unit of classified employees, but no one organization may be represented for two consecutive terms;

(g) One person representing state agencies and institutions with employees subject to chapter 41.06 RCW, and one person representing those subject to chapter 28B.16 RCW, both to be appointed by the governor; and

(h) In addition, the governor and board chairperson may jointly appoint persons to the board on an ad hoc basis. Ad hoc members shall serve in an advisory capacity and shall not have the right to vote.

~~((These))~~ Members under subsection (2) (f) and (g) of this section shall be appointed to serve three-year terms.

Members of the board ~~((shall))~~ appointed pursuant to subsection (2)(f) of this section may be compensated in accordance with RCW 43.03.240. Any board member who is not a state employee may be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060.

Sec. 3. Section 9, chapter 167, Laws of 1982 as amended by section 2, chapter 114, Laws of 1985 and RCW 41.60.041 are each amended to read as follows:

(1) Cash awards for suggestions generating net savings to the state shall be ten percent of the net savings.

(2) No award may be granted in excess of ten thousand dollars.

(3) If the suggestion is significantly modified when implemented, the percentage specified in subsection (1) of this section may be decreased at the option of the board.

(4) The board shall establish guidelines for making cash awards for suggestions for which benefits to the state are intangible or for which benefits cannot be calculated. In cases where cost avoidances are identified, the board shall establish guidelines in consultation with the state personnel board and the higher education personnel board which allow agencies to grant leave in lieu of cash awards.

(5) Funds for the awards shall be drawn from the appropriation of the agency benefiting from the employee's suggestion. If the suggestion reduces costs to a nonappropriated fund or reduces costs paid without appropriation from a nonappropriated portion of an appropriated fund, an award may be paid from the benefiting fund or account without appropriation.

(6) Awards and fees for suggestions which generate new or additional money for the general fund may be drawn from the general fund by joint approval of the productivity board and the director of financial management.

(7) In addition to the amount awarded, the agency shall transfer ten percent of the savings to the ~~((department of personnel for deposit in the))~~ department of personnel service fund. Moneys so transferred shall be used exclusively for the operations of the productivity board or as an offset to any amount appropriated to the productivity board for administrative expenses from another revenue source, other than that provided under RCW 41.60.120. ~~((Any moneys remaining unexpended at the end of the fiscal biennium shall revert to the original fund source.))~~

The productivity board at least annually shall review amounts transferred to the department of personnel service fund under this section and may reduce the percentage of savings to be transferred or temporarily suspend transfer if cash receipts exceed needs for program administration.

Sec. 4. Section 5, chapter 142, Laws of 1965 ex. sess. as last amended by section 3, chapter 114, Laws of 1985 and RCW 41.60.050 are each amended to read as follows:

The legislature ~~((may augment the revenue transferred to))~~ shall appropriate from the department of personnel service fund ~~((under RCW 41.60.041(5) and 41.60.120 with an appropriation. Such appropriation shall be used exclusively))~~ for the payment of administrative costs of the productivity board.

Sec. 5. Section 2, chapter 167, Laws of 1982 as amended by section 4, chapter 114, Laws of 1985 and RCW 41.60.100 are each amended to read as follows:

With the exception of the legislative and judicial branches, any organizational unit of any agency of state government having an identifiable budget or having its financial records maintained according to an accounting system which identifies the expenditures and receipts properly attributable to that unit may apply to the board for selection as a candidate for the award of teamwork incentive pay to its employees. The application shall be submitted prior to the beginning of any year and shall have the approval of the head of the agency within which the unit is located.

Applications shall be in the form specified by the board and contain such information as the board may require, including but not limited to those evaluation components developed by the applying unit which will provide quantitative measures of program output and performance.

The board shall evaluate the applications submitted. From those proposals which are considered to be reasonable and practical and which are found to include developed performance indicators which lend themselves to a judgment of success or failure, the board shall select the units to participate in the teamwork incentive pay program.

~~((Persons who are exempt from civil service under RCW 41.06.070 (5) and (9) may not participate in the employee incentive pay program.))~~

Sec. 6. Section 3, chapter 167, Laws of 1982 as amended by section 5, chapter 114, Laws of 1985 and RCW 41.60.110 are each amended to read as follows:

(1) To qualify for the award of teamwork incentive pay to its employees, a unit selected shall demonstrate to the satisfaction of the board that it has operated during the year of participation at a lower cost with either an increase in the level of services rendered or with no decrease in the level of services rendered.

(a) A unit completing its first year of participation shall compare costs during that year of participation to (i) the fiscal year expenditures for the year immediately preceding the first

year of participation, or (ii) an average derived from the unit's historical data, or (iii) engineered standards used in conjunction with an average derived from the unit's historical data;

(b) A unit participating in the teamwork incentive pay program for more than one year shall compare its costs during the current year of participation with its costs for the immediately preceding year; and

(c) For the purposes of this section, a unit's historical data shall be restricted to data generated during the period of three years or less immediately preceding the unit's first year of participation in the teamwork incentive pay program.

(2) The board shall satisfy itself from documentation submitted by the organizational unit that the claimed cost of operation is real and not merely apparent and that it is not, in whole or in part, the result of:

(a) Chance;

(b) A lowering of the quality of the service rendered;

(c) Nonrecurrence of expenditures which were single outlay, or one-time expenditures, in the preceding year;

(d) Stockpiling inventories in the immediately preceding year so as to reduce requirements in the eligible year;

(e) Substitution of federal funds, other receipts, or nonstate funds for state appropriations;

(f) Unreasonable postponement of payments of accounts payable until the year immediately following the eligible year;

(g) Shifting of expenses to another unit of government; or

(h) Any other practice, event, or device which the board decides has caused a distortion which makes it falsely appear that a savings or increase in level of services has occurred.

(3) The board shall consider as legitimate savings those reductions in expenditures made possible by such items as the following:

(a) Reductions in overtime;

(b) Elimination of consultant fees;

(c) Less temporary help;

(d) Improved systems and procedures;

(e) Better deployment and utilization of personnel;

(f) Elimination of unnecessary travel;

(g) Elimination of unnecessary printing and mailing;

(h) Elimination of unnecessary payments for items such as advertising;

(i) Elimination of waste, duplication, and operations of doubtful value;

(j) Improved space utilization; and

(k) Any other items (~~considered~~) determined by the board (~~as representing true savings~~) to represent cost savings.

Sec. 7. Section 4, chapter 167, Laws of 1982 as amended by section 6, chapter 114, Laws of 1985 and RCW 41.60.120 are each amended to read as follows:

At the conclusion of the eligible year, the board shall compare the expenditures for that year of each unit selected against the expenditures of that unit for the immediately preceding year or expenditures determined in accordance with RCW 41.60.110(1) (a) and (b) and, after making such adjustments as in the board's judgment are required to eliminate distortions, shall determine the amount, if any, that the unit has reduced the unit's cost of operations or increased its level of services in the eligible year. Adjustments to eliminate distortions may include any legislative increases in employee compensation and inflationary increases in the cost of services, materials, and supplies. If the board also determines that in the board's judgment a unit qualifies for an award, the board shall award to the employees of that unit a sum equal to twenty-five percent of the amount determined to be the savings to the state for the level of services rendered. The amount awarded shall be divided and distributed in equal shares to the employees of the unit, except that employees who worked for that unit less than the twelve months of the year shall receive only a pro rata share based on the fraction of the year worked for that unit. Funds for this teamwork incentive pay shall be drawn from the agency in which the unit is located.

In addition to the amount awarded, the agency shall transfer ten percent of the savings to ~~((the department of personnel for deposit in))~~ the department of personnel service fund. Moneys so transferred shall be used exclusively for the operations of the productivity board or as an offset to any amount appropriated to the productivity board for administrative expenses from another revenue source, other than that provided under RCW 41.60.120. ~~((Any moneys remaining unexpended at the end of the fiscal biennium shall revert to the original fund source.))~~ The productivity board at least annually shall review amounts transferred to the department of personnel service fund under this section and may reduce the percentage of savings to be transferred or temporarily suspend transfer if cash receipts exceed needs for program administration.

NEW SECTION. Sec. 8. A new section is added to chapter 41.60 RCW to read as follows:

No award may be made under this chapter to any elected state official or state agency director. No monetary award may be made to persons exempt from the state civil service law under RCW 41.06.070 (5) or (9).

**NEW SECTION.** Sec. 9. The legislative budget committee shall undertake a cost-benefit analysis of employee incentive programs under chapter 41.60 RCW in 1990. A report of the findings and any conclusions and recommendations derived from this analysis shall be submitted to the appropriate standing committees of the house of representatives and the senate in January, 1991.

**NEW SECTION.** Sec. 10. Section 15, chapter 167, Laws of 1982 and RCW 43.131.255 are each repealed.

**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, except section 10 of this act which shall take effect immediately."

On motion of Senator Talmadge, the following amendment to the Committee on Governmental Operations amendment was adopted:

On page 4, line 12 of the committee amendment after "identified," strike all of the material down to and including "awards;" on line 17 and insert "the state personnel board and the higher education personnel board in consultation with the productivity board shall adopt rules which allow agencies and institutions of higher education to grant leave in lieu of cash awards."

The President declared the question before the Senate to be adoption of the Committee on Governmental Operations amendment, as amended.

The motion by Senator Halsan carried and the committee amendment, as amended, was adopted.

#### MOTIONS

On motion of Senator Halsan, the following title amendment was adopted:

On page 1, line 2 of the title, after "programs;" strike the remainder of the title and insert "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."

On motion of Senator Halsan, the rules were suspended, House Bill No. 91, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Patterson: "Senator Talmadge, in reading your amendment that we just adopted, I was wondering how it would work in an institution of higher learning where you would authorize, in lieu of a cash payment which is what I understand—a leave—from the standpoint of replacement of a faculty member, which probably these are the people who would come with some of the major recommendations, how that would work as far as a replacement for someone who is in a teaching and research capacity—if you granted him the leave, in lieu of cash?"

Senator Talmadge: "Senator, I am not certain how that exactly works. The way the bill was written, however, it appeared to say that when you granted this leave in lieu of a cash award, that that was the function of the productivity board to do. That was not the intention of the committee, not the intention of the productivity board, because leave policy has always been exclusively the province of the personnel board. All my amendment was designed to do, without regard to how that would work, is to make clear that it's the personnel board, in consultation with the productivity board, that would adopt rules to accomplish this policy. I make no judgments about the policy itself, just to clarify who has the responsibility for doing it."

Senator Patterson: "Then, it would really be up to the personnel board of each institution of higher learning to determine what the policy would be if the faculty member chose to take a leave and in most cases, as you know, the leave that they have, there is part payment during that leave period? The extent and the length of the leave is also whether or not the cash would offset the cost of replacement of a faculty member. This is a nice idea is what I am trying to say and yet, there are some major difficulties in implementing it when it would come to a top faculty member who was teaching and doing research--"

Senator Talmadge: "This was simply a request from the productivity board where a state employee, faculty member or classified staff in higher education had

come up with an idea that generated cost savings to the state--and that's what the productivity board is designed to do. The productivity board wanted to be able to grant that person a cash award, which is the traditional way of doing it--or additional leave. I make no judgments about that in this amendment. I just wanted to make it clear that we are not giving to the productivity board the responsibility for setting leave policies, that we should keep that with the personnel boards."

Senator Patterson: "Then, your comment indicates that we are dealing only with classified employees. Is that correct?"

Senator Talmadge: "My understanding is that it's most likely that where we would see the savings would be with the classified employees, but I am not certain. Maybe Senator Halsan knows this, but I assume it applies to all higher educational employees."

Senator Patterson: "That was the question. Whether it includes faculty as well as classified employees. Senator Halsan, would you yield?"

#### REMARKS BY SENATOR HALSAN

Senator Halsan: "Thank you, my understanding of it is, if the employees are, in fact, covered by a higher education personnel board, they would be covered. But, a close reading of this would show you that, in fact, what the amendment and what the language of the bill, as it exists, is asking to be done is that the two boards--the personnel board and the HEP board, in consultation with the productivity board, would adopt rules which would allow this to be done--not mandate that it be done. The rules--what they are intended to do is to outline situations where the burden is on the agency to implement--that the cash award would be done in lieu of that. It's permissive, rather than mandatory."

#### REMARKS BY SENATOR TALMADGE

Senator Talmadge: "Briefly, to clarify, I am advised by staff that it covers only classified employees, so that saves us all that colloquy."

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 91, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of House Bill No. 91, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; absent, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Melcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, West, Williams, Wojahn, Zimmerman - 48.

Absent: Senator Warnke - 1.

HOUSE BILL NO. 91, 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.

#### SECOND READING

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.

#### MOTIONS

On motion of Senator Gaspard, the following Committee on Education amendments were considered simultaneously and adopted:

On page 1, line 8, after "may" insert "only utilize funds outside the state basic education appropriation and the state school transportation appropriation to"

On page 1, line 21, following "services" and before the period, insert ": PROVIDED, That no child three years of age or younger shall be transported under the provisions of this 1987 act unless accompanied by a parent or guardian"

On motion of Senator Gaspard, the rules were suspended, House Bill No. 452, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 452, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of House Bill No. 452, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 27; nays, 22.

Voting yea: Senators Anderson, Bailey, Bauer, Bender, Bottiger, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Johnson, Kiskaddon, Kreidler, Lee, McDermott, Moore, Owen, Patterson, Peterson, Rinehart, Smitherman, Talmadge, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 27.

Voting nay: Senators Barr, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, Hansen, Hayner, McCasin, McDonald, Metcalf, Nelson, Newhouse, Pullen, Rasmussen, Saling, Sellar, Stratton, Tanner, Vogtild, West - 22.

HOUSE BILL NO. 452, 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.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 274, by Committee on Human Services (originally sponsored by Representatives Brekke, Braddock and P. King) (by request of Department of Social and Health Services)

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

The bill was read the second time.

#### MOTION

Senator Wojahn moved that the following Committee on Human Services and Corrections amendment be adopted through subsection (b) and that subsection (c) not be adopted:

On page 11, beginning on line 24, after "(1)" strike the remainder of the subsection and insert:

"The department is authorized to recover the cost of medical care provided to a recipient who was sixty-five years or older, upon the recipient's death except:

(a) Where there is a surviving spouse; or

(b) Where there is a surviving child under 21 years of age or blind or disabled as defined in the state plan under Title XIX of the social security act; or

(c) To the extent of the first fifty thousand dollars of the estate value at the time of death, where there are surviving children other than as defined above, and not to exceed thirty-five percent of the remainder."

#### POINT OF INQUIRY

Senator Rasmussen: "Senator Wojahn, they have what they call reverse mortgages or equity or whatever, where, let's assume they have a home and an average home will--most of them run \$50,000 \$60,000, up to \$80,000 or \$90,000--and that person would require some assistance, medical and otherwise. With this lien on the home, it will be more difficult for them to go in and get a reverse mortgage. In fact, it would probably be impossible wouldn't it, if they wanted to get enough money out of their home to live on? They have very low social security or whatever they have and not enough to live on, but they can go in and borrow some money on the home for living expenses up to a certain percentage. What would the lien do to this person?"

Senator Wojahn: "Well, it would do nothing, because the surviving spouse has just died and there is nobody left."

Senator Rasmussen: "I understand, but the lien will be on it for the medical assistance prior to the person dying."

Senator Wojahn: "And only for that amount that the lien was on for public assistance. The rest of the home would be available to the surviving heirs."

Senator Rasmussen: "I am not talking about surviving heirs. I am talking about the difficulty in going in and getting eating money out of your home--the reverse mortgage part."

Senator Wojahn: "Well, I suspect that if there was a lien on it and the family had not expended all of the money of the lien and there were still available funds in there, then the state could come in and take the portion that they needed if there was money available."

Senator Rasmussen: "Maybe I ought to direct that question to Senator Talmadge. This is rather a legal question. Thank you, Senator Wojahn."

#### POINT OF ORDER

Senator Newhouse: "Mr. President, I rise to a point of order. I think it would be better if Senator Wojahn would handle the committee amendment with an amendment to the committee amendment and then the thing would properly be before us."

#### REPLY BY THE PRESIDENT

President Cherberg: "Your point is well taken, Senator Newhouse."

#### MOTIONS

On motion of Senator Wojahn, and there being no objection, the motion to adopt the Committee on Human Services and Corrections amendment without subsection (c) was withdrawn.

Senator Wojahn moved that the Committee on Human Services and Corrections amendment on page 11, beginning on line 24, including subsections (a,b,c) be adopted.

Senator Wojahn moved that the following amendment to the Committee on Human Services amendment be adopted:

On line 19, after "act" strike everything down to and including "remainder" on line 26 (all of subsection c)

#### MOTION

On motion of Senator Bottiger, further consideration of Substitute House Bill No. 274 was deferred.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 499, by Committee on Environmental Affairs (originally sponsored by Representatives Unsoeld, Allen and Rust)

Providing standards for the issuance or renewal of wastewater permits.

The bill was read the second time.

#### MOTIONS

On motion of Senator Kreidler, the following Committee on Parks and Ecology amendment was adopted:

On page 1, line 14, after "effluent," insert "The toxicity of the effluent shall be determined by techniques such as chronic or acute bioassays. Such conditions shall be required regardless of the quality of receiving water and regardless of the minimum water quality standards."

On motion of Senator Kreidler, the rules were suspended, Engrossed Substitute House Bill No. 499, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 499, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 499, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore.

Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 499, 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.

#### SECOND READING

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.

#### MOTIONS

On motion of Senator Talmadge, the following amendment was adopted:  
On page 1, line 9, after "December 31," strike "1993" and insert "1989"

On motion of Senator Halsan, the rules were suspended, House Bill No. 549, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 549, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of House Bill No. 549, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; nays, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 46.

Voting nay: Senators McCaslin, Talmadge, Tanner - 3.

HOUSE BILL NO. 549, 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.

#### MOTIONS

On motion of Senator Bender, Senator Talmadge was excused.

On motion of Senator Zimmerman, Senator von Reichbauer was excused.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 578, by Committee on Local Government (originally sponsored by Representatives Holm, Haugen, Belcher and Amondson)

Establishing dates for establishment of taxing district boundaries for levy purposes.

The bill was read the second time.

#### MOTIONS

On motion of Senator Halsan, the following Committee on Governmental Operations amendment was adopted:

On page 1, line 20, after "day of" strike "October" and insert "June"

On motion of Senator Halsan, the rules were suspended, Engrossed Substitute House Bill No. 578, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 578, as amended by the Senate.



## ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 578, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Tanner, Vognlid, Warnke, West, Williams, Wojahn, Zimmerman - 46.

Absent: Senator Nelson - 1.

Excused: Senators Talmadge, von Reichbauer - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 578, 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.

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

## MOTION

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

## SENATE RESOLUTION 1987-8648

by Senators Rinehart, Gaspard, Saling, Rasmussen, Metcalf, Kiskaddon, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McDonald, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn and Zimmerman; Lieutenant Governor, John A. Cherberg; Secretary of the Senate, Sid Snyder; Assistant Secretary of the Senate, Bill Gleason; Sergeant at Arms, Orlando Scarpelli

WHEREAS, Dr. John Terrey has dedicated nearly four decades to the advancement and enhancement of public education in the state of Washington; and

WHEREAS, Dr. John Terrey has toiled valiantly in the educational vineyards for the past nine years as executive director of the nation's seventh largest public community college system; and

WHEREAS, Dr. John Terrey has devoted his career to preserving access to public higher education for more than two million seven-hundred thousand Washington community college students during his eighteen-year tenure at the State Board for Community College Education; and

WHEREAS, Dr. John Terrey is widely known as a leader among leaders, as an educational idealist who has transformed his dreams for public education into expanded opportunities for serving the students of yesterday and the students of tomorrow be they returning veterans, displaced homemakers, small business owners, dislocated workers, adult illiterates, new immigrants or members of underrepresented minority groups; and

WHEREAS, Dr. John Terrey has illuminated legislative deliberations for nearly twenty years with his candor, his humor, and his erudite and precise powers of persuasion; and

WHEREAS, Dr. John Terrey is retiring as executive director of the State Board for Community College Education on June 30, 1987;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington that the members of the Senate on behalf of the citizens of this state express their enduring appreciation, infinite admiration and eternal gratitude to Dr. John Terrey for his idealism, his courage, his vision, his leadership and his innumerable and invaluable contributions to the past, the present and the future students of public higher education in the state of Washington; and

BE IT FURTHER RESOLVED, That copies of this resolution be presented personally, formally and enthusiastically to Dr. John Terrey and his wife, Elizabeth, on this 15th day of April, 1987 by members of the Washington State Senate.

## INTRODUCTION OF SPECIAL GUESTS

The President introduced Dr. and Mrs. John Terrey who were seated with him on the rostrum.

Remarks of welcome and congratulations were offered to Dr. and Mrs. Terrey from many of the Senators.

With permission of the Senate, business was suspended to permit Dr. Terrey to address the Senate with the following remarks:

## REMARKS BY DR. JOHN TERREY

Dr. Terrey: "I very sincerely thank each and every one of you. It's a great moment to be here. I tried to get here on my own when I met Mr. President. I would only say of him that if one ever wishes to define a gentleman, you can do it through deductive reasoning by simply observing this man and what you see, would be a gentleman.

"I am going to refrain from individual comments, because I will leave people out and I would feel very bad about that. I want to acknowledge, however, the point that Senator Rasmussen made about Liz, my wife--very deserving. She is a very prudent woman. She came here today with fear and trepidation about what would happen if the Resolution didn't pass. Fortunately, it did. I also wish to observe that she has provided me a great deal of advice over the years. Some of it applies to me and I think, equally, it applies to you. One day I was philosophizing to her that we love a person for his weaknesses. His strengths are self supporting. She digested that for awhile and finally the light came and she said, 'You know John, you must be one of the most loved people in the world.'

"This body, I'd say in my professional life, I have great respect and great love for two institutions, obviously, for the community colleges and the other for this Legislature. Both of them, at times, have been frustrating, discouraging. What I like is behind the doors that you knock on, the campaign efforts you make, all the sacrifices you make to get here--there is a dream--you people entertain a dream. You want, through your work, for this world to be a better place. That's what really motivates you, in my mind. The community colleges, in my mind, have the same past here. I don't think there is any institution of education across this country, in this century, that has done more to extend opportunities for people than have the community colleges--people who never dared to dream that they would have an opportunity.

"In view, the community colleges have had a long journey together from 1941 when Governor Arthur B. Langley signed the first piece of legislation to this day. We have worked together in a common effort and where you have been at your best and where we have been at our best, is when we concentrate on those activities which will uplift the human spirit. That, I think, has been one of the great consequences of our joint efforts. The secret is that there is a dream and there is a reality and there's disparity between the two and we must not lower the dream. We must energize ourselves to move that reality closer to realizing what the dream may be. The fact that it will never be in total is acceptable, because as the poet, Robert Browning said, 'A man's reach should exceed his grasp or what's a heaven for?' We go at it day by day and I admire you people for the work which you do.

"I will conclude with an observation, going back to 1951 to the opening speech that General MacArthur made for a joint session of the Congress when he started out with these words, 'I stand here on this rostrum with a sense of deep humility and great pride, humility in the wake of those great American architects who have stood here before me and pride in the reflection that this whole legislative debate represents the purist form of human liberty yet devised.' Thank you very much."

## MOTION

On motion of Senator Zimmerman, the remarks by Dr. Terrey will be spread upon the journal.

## APPOINTMENT OF SPECIAL COMMITTEE

The President appointed Senators Metcalf, Gaspard, Saling, McDermott, McDonald, Rasmussen, Deccio, DeJarnatt, Rinehart and McCaslin to escort Dr. and Mrs. John Terrey from the Senate Chambers.

There being no objection, the President returned the Senate to the sixth order of business.

#### SECOND READING

SUBSTITUTE 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.

#### MOTIONS

On motion of Senator Talmadge, the following Committee on Judiciary amendment was adopted:

On page 2, line 17, after "entity" strike "or private agency which has been" and insert "(~~or private agency which has been~~) , private agency, or foster parent"

On motion of Senator Talmadge, the rules were suspended, Substitute House Bill No. 601, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 601, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 601, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Decio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

SUBSTITUTE HOUSE BILL NO. 601, 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.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 644, by Committee on Environmental Affairs (originally sponsored by Representatives Rust, Allen, May, Hine, Unsoeld, Valle and Rasmussen) (by request of Puget Sound Water Quality Authority)

Authorizing the department of ecology to certify testing laboratories for departmental submittals.

The bill was read the second time.

#### MOTIONS

On motion of Senator Kreidler, the following Committee on Parks and Ecology amendments were considered simultaneously and adopted:

On page 1, line 15, after "state" insert "or federal agency"

On page 1, line 26, after "of" strike "four thousand dollars" and insert "the actual costs of providing the certification or four thousand dollars, whichever is less"

On motion of Senator Kreidler, the following Committee on Parks and Ecology amendment was adopted:

On page 2, line 8, after "Laboratories" insert "owned by persons holding wastewater discharge permits and operated solely for their own use"

#### MOTION

On motion of Senator Kreidler, the rules were suspended, Engrossed Substitute House Bill No. 644, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 644, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 644, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; absent, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Voting nay: Senator McCaslin - 1.

Absent: Senator Benitz - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 644, 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.

## SECOND READING

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.

## MOTION

On motion of Senator Warnke, the rules were suspended, House Bill No. 654 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 654.

## ROLL CALL

The Secretary called the roll on final passage of House Bill No. 654 and the bill passed the Senate by the following vote: Yeas, 48; absent, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Absent: Senator Nelson - 1.

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.

## SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 5130,

SENATE BILL NO. 5412,

SENATE BILL NO. 5416,

SENATE BILL NO. 5444,

SENATE BILL NO. 5469,

SUBSTITUTE SENATE BILL NO. 5911,

SENATE JOINT RESOLUTION NO. 8212.

## MOTION

At 12:01 p.m. on motion of Senator Vognlid, the Senate recessed until 1:00 p.m.

## AFTERNOON SESSION

The Senate was called to order at 1:00 p.m. by President Cherberg.

## SECOND READING

ENGROSSED HOUSE BILL NO. 1123, by Representatives Waik, Schmidt and Baugher

Directing moneys from the grade crossing protective fund to the motor vehicle fund.

The bill was read the second time.

## MOTION

On motion of Senator Bender, the rules were suspended, Engrossed House Bill No. 1123 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 1123.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 1123 and the bill passed the Senate by the following vote: Yeas, 40; absent, 9.

Voting yeas: Senators Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Talmadge, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 40.

Absent: Senators Barr, Cantu, Hayner, Kreidler, Lee, McDermott, Owen, Stratton, Tanner - 9.  
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.

There being no objection, the President excused Senators Lee and McDermott.

## MOTION

On motion of Senator Zimmerman, Senator Bluechel was excused.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 695, by Committee on Ways and Means/Revenue (originally sponsored 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.

## MOTIONS

On motion of Senator Rasmussen, the following Committee on Ways and Means amendment was adopted:

On page 2, line 22, after "~~thirteen~~" strike "seventeen" and insert "eighteen"

On motion of Senator Rasmussen, the rules were suspended, Substitute House Bill No. 695, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 695, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 695, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 41; absent, 5; excused, 3.

Voting yeas: Senators Anderson, Bailey, Bauer, Bender, Benitz, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDonald, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Talmadge, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 41.

Absent: Senators Barr, Nelson, Owen, Stratton, Tanner - 5.

Excused: Senators Bluechel, Lee, McDermott - 3.

SUBSTITUTE HOUSE BILL NO. 695, 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.

#### MOTIONS

On motion of Senator Zimmerman, Senator Barr was excused.

On motion of Senator Bender, Senators Owen and Stratton were excused.

#### SECOND READING

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 second time.

#### MOTIONS

On motion of Senator Wojahn, the following Committee on Human Services and Corrections amendment was adopted:

On page 14, line 24, after "institutions," strike the remainder of the section and insert "Subsection 5 of section 21 shall take effect immediately. All other portions of this act shall take effect July 1, 1989."

On motion of Senator Wojahn, the rules were suspended, Substitute House Bill No. 738, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 738, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 738, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 27; nays, 17; absent, 1; excused, 4.

Voting yea: Senators Anderson, Bender, Benitz, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Johnson, Kiskaddon, Kreidler, McCaslin, Moore, Newhouse, Patterson, Peterson, Rasmussen, Rinehart, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 27.

Voting nay: Senators Bailey, Bauer, Bluechel, Bottiger, Cantu, Craswell, Hansen, Hayner, Lee, McDonald, Metcalf, Nelson, Pullen, Saling, Sellar, Tanner, Zimmerman - 17.

Absent: Senator Smitherman - 1.

Excused: Senators Barr, McDermott, Owen, Stratton - 4.

SUBSTITUTE HOUSE BILL NO. 738, 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.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 767, by Committee on Health Care (originally sponsored by Representatives Niemi and P. King)

Regulating respiratory care practitioners.

The bill was read the second time.

#### MOTIONS

On motion of Senator Wojahn, the following Committee on Human Services and Corrections amendment was adopted:

Strike everything after the enacting clause and insert the following:

**NEW SECTION.** Sec. 1. The legislature finds that it is necessary to regulate the practice of respiratory care at the level of certification in order to protect the public health and safety. The settings for these services may include, health facilities licensed in this state, clinics, home health agencies, physicians' offices, and public or community health services. Nothing in this chapter shall be construed to require that individual or group policies or contracts of an insurance carrier, health care service contractor, or health maintenance organization provide benefits or coverage for services and supplies provided by a person certified under this chapter.

**NEW SECTION.** Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Advisory committee" means the Washington state advisory respiratory care committee.

(2) "Department" means the department of licensing.

(3) "Director" means the director of licensing or the director's designee.

(4) "Respiratory care practitioner" means an individual certified under this chapter.

(5) "Physician" means an individual licensed under chapter 18.57 or 18.71 RCW.

(6) "Rural hospital" means a hospital located anywhere in the state except the following areas:

(a) The entire counties of Snohomish (including Camano Island), King, Kitsap, Pierce, Thurston, Clark, and Spokane;

(b) Areas within a twenty-mile radius of an urban area with a population exceeding thirty thousand persons; and

(c) Those cities or city-clusters located in rural counties but which for all practical purposes are urban. These areas are Bellingham, Aberdeen-Hoquiam, Longview-Kelso, Wenatchee, Yakima, Sunnyside, Richland-Kennewick-Pasco, and Walla Walla.

**NEW SECTION.** Sec. 3. An entity or person shall not employ or contract with persons engaging in respiratory care as respiratory care practitioners that have not received a certificate to practice respiratory care in the state. Rural hospitals are exempt from this chapter. Nothing in this chapter prohibits or restricts:

(1) The practice of a profession by individuals who are licensed under other laws of this state who are performing services within their authorized scope of practice, which may overlap the services provided by respiratory care practitioners;

(2) The practice of respiratory care by an individual employed by the government of the United States while the individual is engaged in the performance of duties prescribed for him or her by the laws and regulations of the United States;

(3) The practice of respiratory care by a person pursuing a supervised course of study leading to a degree or certificate in respiratory care as a part of an accredited and approved educational program, if the person is designated by a title which clearly indicates his or her status as a student or trainee, or otherwise as a student;

(4) The use of the title "respiratory care practitioner" by registered nurses authorized under chapter 18.88 RCW.

**NEW SECTION.** Sec. 4. A respiratory care practitioner is a person who adopts or uses any title or any description of services which incorporates one or more of the following terms or designations: (1) RT, (2) RCP, (3) respiratory care practitioner, (4) respiratory therapist, (5) respiratory technician, (6) inhalation therapist, or (7) any other words, abbreviation, or insignia indicating that he or she is a respiratory care practitioner.

**NEW SECTION.** Sec. 5. A respiratory care practitioner certified under this chapter is employed in the treatment, management, diagnostic testing, rehabilitation, and care of patients with deficiencies and abnormalities which affect the cardiopulmonary system and associated aspects of other systems, and is under the direct order and under the qualified medical direction of a physician. The practice of respiratory care includes, but is not limited to:

(1) The use and administration of medical gases, exclusive of general anesthesia;

(2) The use of air and oxygen administering apparatus;

(3) The use of humidification and aerosols;

(4) The administration of prescribed pharmacologic agents related to respiratory care;

(5) The use of mechanical or physiological ventilatory support;

(6) Postural drainage, chest percussion, and vibration;

(7) Bronchopulmonary hygiene;

(8) Cardiopulmonary resuscitation as it pertains to establishing airways and external cardiac compression;

(9) The maintenance of natural and artificial airways and insertion, without cutting tissues, of artificial airways, as ordered by the attending physician;

(10) Diagnostic and monitoring techniques such as the measurement of cardiorespiratory volumes, pressures, and flows; and

(11) The drawing and analyzing of arterial, capillary, and mixed venous blood specimens as ordered by the attending physician or an advanced registered nurse practitioner as authorized by the board of nursing under chapter 18.88 RCW.

**NEW SECTION.** Sec. 6. (1) In addition to any other authority provided by law, the director, in consultation with the advisory committee, may:

(a) Adopt rules, in accordance with chapter 34.04 RCW, necessary to implement this chapter;

(b) Set all certification, examination, and renewal fees in accordance with RCW 43.24.086;

(c) Establish forms and procedures necessary to administer this chapter;

(d) Issue a certificate to any applicant who has met the education, training, and examination requirements for certification;

(e) Hire clerical, administrative, and investigative staff as needed to implement this chapter and hire individuals certified under this chapter to serve as examiners for any practical examinations;

(f) Approve those schools from which graduation will be accepted as proof of an applicant's eligibility to take the certification examination;

(g) Prepare, grade, and administer, or determine the nature of, and supervise the grading and administration of, examinations for applicants for certification;

(h) Determine whether alternative methods of training are equivalent to formal education and establish forms, procedures, and criteria for evaluation of an applicant's alternative training to determine the applicant's eligibility to take the examination;

(i) Determine which states have legal credentialing requirements equivalent to those of this state and issue certificates to individuals legally credentialed in those states without examination; and

(j) Define and approve any experience requirement for certification.

(2) The provisions of chapter 18.130 RCW shall govern the issuance and denial of certificates, uncertified practice, and the disciplining of persons certified under this chapter. The director shall be the disciplining authority under this chapter.

**NEW SECTION, Sec. 7.** The director shall keep an official record of all proceedings, a part of which record shall consist of a register of all applicants for certification under this chapter, with the result of each application.

**NEW SECTION, Sec. 8.** (1) There is created a state respiratory care advisory committee consisting of five members appointed by the director. Three members of the advisory committee shall be respiratory care practitioners who are certified under this chapter. The initial members, however, may be appointed to the advisory committee if they meet all the requirements for certification under this chapter and have been engaged in the practice of respiratory care for at least five years. One member of the advisory committee shall be an individual representing the public who is unaffiliated with the profession. One member of the advisory committee shall be a physician, who is a pulmonary specialist. Each member shall hold office for a term of four years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his or her predecessor was appointed shall be appointed for the remainder of such term and the terms of office of the members first taking office shall expire, as designated at the time of appointment, one at the end of the first year, one at the end of the second year, one at the end of the third year, and two at the end of the fourth year after the date of appointment. Thereafter all appointments shall be for four years. Any advisory committee member may be removed for just cause. The director may appoint a new member to fill any vacancy on the advisory committee for the remainder of the unexpired term. No advisory committee member may serve more than two consecutive terms, whether full or partial.

(2) Advisory committee members shall be entitled to be compensated in accordance with RCW 43.03.240, and to be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060.

(3) The advisory committee shall have the authority to elect annually a chairperson and vice-chairperson to direct the meetings of the advisory committee. The advisory committee shall meet at least once each year, and may hold additional meetings as called by the director or the chairperson. Three members of the advisory committee constitute a quorum.

**NEW SECTION, Sec. 9.** The director, members of the advisory committee, or individuals acting on their behalf are immune from suit in any civil action based on any certification or disciplinary proceedings, or other official acts performed in the course of their duties.

**NEW SECTION, Sec. 10.** The director shall issue a certificate to any applicant who demonstrates to the director's satisfaction that the following requirements have been met:

(1) Graduation from a school approved by the director or successful completion of alternate training which meets the criteria established by the director;

(2) Successful completion of an examination administered or approved by the director;

(3) Successful completion of any experience requirement established by the director;

(4) Good moral character.

In addition, applicants shall be subject to the grounds for denial or issuance of a conditional certificate under chapter 18.130 RCW.

A person who meets the qualifications to be admitted to the examination for certification as a respiratory care practitioner may practice as a respiratory care practitioner under the supervision of a respiratory care practitioner certified under this chapter between the date of filing an application for certification and the announcement of the results of the next succeeding examination for certification if that person applies for and takes the first examination for which he or she is eligible.

The director shall establish by rule what constitutes adequate proof of meeting the criteria.

**NEW SECTION, Sec. 11.** The director shall approve only those persons who have achieved the minimum level of competency as defined by the director. The director shall establish by rule the standards and procedures for approval of alternate training and shall have the authority to contract with individuals or organizations having expertise in the profession, or in education, to assist in evaluating those applying for approval. The standards and procedures



set shall apply equally to schools and training within the United States and those in foreign jurisdictions.

**NEW SECTION.** Sec. 12. (1) The date and location of the examination shall be established by the director. Applicants who have been found by the director to meet the other requirements for certification shall be scheduled for the next examination following the filing of the application. However, the applicant shall not be scheduled for any examination taking place sooner than sixty days after the application is filed.

(2) The director shall examine each applicant, by means determined most effective, on subjects appropriate to the scope of practice. Such examinations shall be limited to the purpose of determining whether the applicant possesses the minimum skill and knowledge necessary to practice competently, and shall meet generally accepted standards of fairness and validity for certification examinations.

(3) All examinations shall be conducted by the director, and all grading of the examinations shall be under fair and wholly impartial methods.

(4) Any applicant who fails to make the required grade in the first examination is entitled to take up to three subsequent examinations, upon the prepayment of a fee determined by the director as provided in RCW 43.24.086 for each subsequent examination. Upon failure of four examinations, the director may invalidate the original application and require such remedial education as is deemed necessary.

(5) The director may approve an examination prepared and administered by a private testing agency or association of credentialing boards for use by an applicant in meeting the certification requirement.

**NEW SECTION.** Sec. 13. Applications for certification shall be submitted on forms provided by the director. The director may require any information and documentation which reasonably relates to the need to determine whether the applicant meets the criteria for certification provided in this chapter and chapter 18.130 RCW. All applications shall be accompanied by a fee determined by the director under RCW 43.24.086.

**NEW SECTION.** Sec. 14. (1) The director shall waive the examination and grant a certificate to a person engaged in the profession of respiratory care in this state on the effective date of this section, if the director determines the person meets commonly accepted standards of education and experience for the profession and has previously achieved an acceptable grade on an approved examination administered by a private testing agency or respiratory care association as established by rule of the director.

(2) If an individual is engaged in the practice of respiratory care on the effective date of this section but has not achieved an acceptable grade on an approved examination administered by a private testing agency, the individual may apply to the director for examination. This section shall only apply to those individuals who file an application within one year of the effective date of this section.

**NEW SECTION.** Sec. 15. The director shall establish by rule the requirements and fees for renewal of certificates. Failure to renew shall invalidate the certificate and all privileges granted by the certificate. In the event a certificate has lapsed for a period longer than three years, the certified respiratory care practitioner shall demonstrate competence to the satisfaction of the director by continuing education or under the other standards determined by the director.

Sec. 16. Section 3, chapter 117, Laws of 1985 and section 28, chapter 326, Laws of 1985 and RCW 18.120.020 are each reenacted and amended to read as follows:

The definitions contained in this section shall apply throughout this chapter unless the context clearly requires otherwise.

(1) "Applicant group" includes any health professional group or organization, any individual, or any other interested party which proposes that any health professional group not presently regulated be regulated or which proposes to substantially increase the scope of practice of the profession.

(2) "Certificate" and "certification" mean a voluntary process by which a statutory regulatory entity grants recognition to an individual who (a) has met certain prerequisite qualifications specified by that regulatory entity, and (b) may assume or use "certified" in the title or designation to perform prescribed health professional tasks.

(3) "Grandfather clause" means a provision in a regulatory statute applicable to practitioners actively engaged in the regulated health profession prior to the effective date of the regulatory statute which exempts the practitioners from meeting the prerequisite qualifications set forth in the regulatory statute to perform prescribed occupational tasks.

(4) "Health professions" means and includes the following health and health-related licensed or regulated professions and occupations: Podiatry under chapter 18.22 RCW; chiropractic under chapters 18.25 and 18.26 RCW; dental hygiene under chapter 18.29 RCW; dentistry under chapter 18.32 RCW; dispensing opticians under chapter 18.34 RCW; hearing aids under chapter 18.35 RCW; drugless healing under chapter 18.36 RCW; embalming and funeral directing under chapter 18.39 RCW; midwifery under chapter 18.50 RCW; nursing home administration under chapter 18.52 RCW; optometry under chapters 18.53 and 18.54 RCW; ophthalmologists under chapter 18.55 RCW; osteopathy and osteopathic medicine and surgery under

chapters 18.57 and 18.57A RCW; pharmacy under chapters 18.64 and 18.64A RCW; medicine under chapters 18.71, 18.71A, and 18.72 RCW; emergency medicine under chapter 18.73 RCW; physical therapy under chapter 18.74 RCW; practical nurses under chapter 18.78 RCW; psychologists under chapter 18.83 RCW; registered nurses under chapter 18.88 RCW; occupational therapists licensed pursuant to chapter 18.59 RCW; respiratory care practitioners certified under chapter 18.-- RCW (sections 1 through 15 of this 1987 act); veterinarians and animal technicians under chapter 18.92 RCW; health care assistants under chapter 18.135 RCW; massage practitioners under chapter 18.108 RCW; and acupuncturists certified under chapter 18.06 RCW.

(5) "Inspection" means the periodic examination of practitioners by a state agency in order to ascertain whether the practitioners' occupation is being carried out in a fashion consistent with the public health, safety, and welfare.

(6) "Legislative committees of reference" means the standing legislative committees designated by the respective rules committees of the senate and house of representatives to consider proposed legislation to regulate health professions not previously regulated.

(7) "License", "licensing", and "licensure" mean permission to engage in a health profession which would otherwise be unlawful in the state in the absence of the permission. A license is granted to those individuals who meet prerequisite qualifications to perform prescribed health professional tasks and for the use of a particular title.

(8) "Professional license" means an individual, nontransferable authorization to carry on a health activity based on qualifications which include: (a) Graduation from an accredited or approved program, and (b) acceptable performance on a qualifying examination or series of examinations.

(9) "Practitioner" means an individual who (a) has achieved knowledge and skill by practice, and (b) is actively engaged in a specified health profession.

(10) "Public member" means an individual who is not, and never was, a member of the health profession being regulated or the spouse of a member, or an individual who does not have and never has had a material financial interest in either the rendering of the health professional service being regulated or an activity directly related to the profession being regulated.

(11) "Registration" means the formal notification which, prior to rendering services, a practitioner shall submit to a state agency setting forth the name and address of the practitioner; the location, nature and operation of the health activity to be practiced; and, if required by the regulatory entity, a description of the service to be provided.

(12) "Regulatory entity" means any board, commission, agency, division, or other unit or subunit of state government which regulates one or more professions, occupations, industries, businesses, or other endeavors in this state.

(13) "State agency" includes every state office, department, board, commission, regulatory entity, and agency of the state, and, where provided by law, programs and activities involving less than the full responsibility of a state agency.

Sec. 17. Section 4, chapter 279, Laws of 1984 as amended by section 29, chapter 326, Laws of 1985 and by section 3, chapter 259, Laws of 1986 and RCW 18.130.040 are each reenacted and amended to read as follows:

(1) This chapter applies only to the director and the boards having jurisdiction in relation to the professions licensed under the chapters specified in this section. This chapter does not apply to any business or profession not licensed under the chapters specified in this section.

(2) (a) The director has authority under this chapter in relation to the following professions:

(i) Dispensing opticians licensed under chapter 18.34 RCW;

(ii) Drugless healers licensed under chapter 18.36 RCW;

(iii) Midwives licensed under chapter 18.50 RCW;

(iv) Ocularists licensed under chapter 18.55 RCW;

(v) Massage operators and businesses licensed under chapter 18.108 RCW;

(vi) Dental hygienists licensed under chapter 18.29 RCW; ~~(and)~~

(vii) Acupuncturists certified under chapter 18.106 RCW; ~~and~~

(viii) Respiratory care practitioners certified under chapter 18.-- RCW (sections 1 through 15 of this 1987 act).

(b) The boards having authority under this chapter are as follows:

(i) The podiatry board as established in chapter 18.22 RCW;

(ii) The chiropractic disciplinary board as established in chapter 18.26 RCW governing licenses issued under chapter 18.25 RCW;

(iii) The dental disciplinary board as established in chapter 18.32 RCW;

(iv) The board of funeral directors and embalmers as established in chapter 18.39 RCW;

(v) The optometry board as established in chapter 18.54 RCW governing licenses issued under chapter 18.53 RCW;

(vi) The board of osteopathic medicine and surgery as established in chapter 18.57 RCW governing licenses issued under chapters 18.57 and 18.57A RCW;

(vii) The medical disciplinary board as established in chapter 18.72 RCW governing licenses and registrations issued under chapters 18.71 and 18.71A RCW;

- (viii) The board of physical therapy as established in chapter 18.74 RCW;
- (ix) The board of occupational therapy practice as established in chapter 18.59 RCW;
- (x) The board of practical nursing as established in chapter 18.78 RCW;
- (xi) The board of nursing as established in chapter 18.88 RCW; and
- (xii) The veterinary board of governors as established in chapter 18.92 RCW.

(3) In addition to the authority to discipline license holders, the disciplining authority has the authority to grant or deny licenses based on the conditions and criteria established in this chapter and the chapters specified in subsection (2) of this section. However, the board of chiropractic examiners has authority over issuance and denial of licenses provided for in chapter 18.25 RCW, the board of dental examiners has authority over issuance and denial of licenses provided for in RCW 18.32.040, and the board of medical examiners has authority over issuance and denial of licenses and registrations provided for in chapters 18.71 and 18.71A RCW. This chapter also governs any investigation, hearing, or proceeding relating to denial of licensure or issuance of a license conditioned on the applicant's compliance with an order entered pursuant to RCW 18.130.160 by the disciplining authority.

NEW SECTION. Sec. 18. Sections 1 through 15 of this act shall constitute a new chapter in Title 18 RCW.

NEW SECTION. Sec. 19. There is appropriated from the health professions account in the state general fund to the department of licensing for the biennium ending June 30, 1989, the sum of one hundred sixty-one thousand eight hundred forty-five dollars, or so much thereof as may be necessary, to carry out the purposes of this act.

NEW SECTION. Sec. 20. Section 4 of this act shall take effect September 15, 1987.

NEW SECTION. Sec. 21. 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 motion of Senator Wojahn, the following title amendment was adopted:

On page 1, line 1 of the title, after "care;" strike the remainder of the title and insert "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."

#### MOTION

On motion of Senator Wojahn, the rules were suspended. Substitute House Bill No. 767, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Lee: "Senator Wojahn, I notice in the summary that it mentions the numbers of individuals who are exempt. In other words, to provide this kind of care without having that formal certification. It mentions United States government employees which, I presume, are people in the military bases and veterans homes and so on. Any students enrolled in an approved education program, nurses, are allowed to use the title respiratory care practitioner, but it also mentions, 'exemptions for practitioners listed under other laws.' I wonder if you might help me out and tell me who some of those individuals may be who can practice this without certification?"

Senator Wojahn: "Well, anybody that is in the health care profession--a doctor, a nurse--anyone who is presently licensed in a health care profession that would be related to respiratory care. In the government hospitals, they would, under federal law, not state law and consequently, like the veteran's hospital and I presume that they probably will register to certify, but they don't have to."

Senator Lee: "I just wondered if this included things like chiropractors and osteopaths?"

Senator Wojahn: "No, I don't believe so. I don't think they would be deemed as respiratory."

Senator Lee: "Because they do have, particularly osteopaths, do have their own hospitals. So, this would prevent a doctor of osteopathy from giving this kind of care?"

Senator Wojahn: "Well, I don't think--a doctor or a medical doctor or a doctor of osteopathy, I don't consider the care practitioner in the same area as these people, but I assume they could use this--anyone who is presently licensed in an accredited type hospital or with a license that permits them to practice medicine."

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 767, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 767, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 33; nays, 13; absent, 1; excused, 2.

Voting yea: Senators Anderson, Bailey, Bauer, Bender, Bottiger, Cantu, Conner, Deccio, DeJamatt, Fleming, Garrett, Gaspard, Halsan, Hayner, Johnson, Kreidler, McDonald, Moore, Nelson, Newhouse, Peterson, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 33.

Voting nay: Senators Benitz, Bluechel, Craswell, Hansen, Kiskaddon, Lee, McCaslin, Metcalf, Owen, Patterson, Pullen, Rasmussen, Zimmerman - 13.

Absent: Senator West - 1.

Excused: Senators Barr, McDermott - 2.

SUBSTITUTE HOUSE BILL NO. 767, 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.

## SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 844, by Committee on State Government (originally sponsored by Representatives Belcher, H. Sommers, Holm, Hankins, Lewis, Unsoeld, Peery, Miller, Sayan, Sprenkle, K. Wilson, Locke, Madsen, Hargrove, Rasmussen, Sutherland, Fisher, R. King, Walk, Nelson, Todd, Ebersole, P. King, Brooks, D. Sommers, Allen, Lux, Heavey, Scott, Cole, Pruitt, Wang, Dellwo, Basich and B. Williams)

Authorizing a dependent care plan for state employees.

The bill was read the second time.

## MOTIONS

On motion of Senator Halsan, the following Committee on Governmental Operations amendment was adopted:

Strike everything after the enacting clause and insert the following:

**NEW SECTION.** Sec. 1. (1) The state of Washington may enter into salary reduction agreements with employees pursuant to the Internal Revenue Code, 26 U.S.C. Sec. 125 for the purpose of making it possible for employees to select on a "before-tax basis" certain taxable and non-taxable benefits pursuant to 26 U.S.C. Sec. 125. The purpose of the salary reduction plan established in this chapter is to attract and retain individuals in governmental service by permitting them to enter into agreements with the state to provide for benefits pursuant to 26 U.S.C. Sec. 129.

(2) Nothing in the salary reduction plan constitutes an employment agreement between the participant and the state, and nothing contained in the participant's salary reduction agreement, the plan, or sections 2 through 10 of this act gives a participant any right to be retained in state employment.

**NEW SECTION.** Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 3 through 8 of this act.

(1) "Salary reduction plan" means a plan whereby state employees and officers may agree to a reduction of salary which reduction will allow the employee to participate in benefits offered pursuant to 26 U.S.C. Sec. 125.

(2) "Committee" means the committee for deferred compensation.

(3) "Salary" means a state employee's or officer's monthly salary or wages.

(4) "Dependent care program" means the program for the care of dependents pursuant to 26 U.S.C. Sec. 129 financed from funds deposited in the salary reduction account in the state treasury for the purpose of holding and disbursing the funds deposited under the auspices of the salary reduction plan.

(5) "Participant" means an individual who fulfills the eligibility and enrollment requirements under the salary reduction plan.

(6) "Plan year" means the time period established by the committee.

**NEW SECTION.** Sec. 3. The committee shall have responsibility for the formulation and adoption of a plan and policies and procedures designed to guide, direct, and administer the salary reduction plan.

**NEW SECTION.** Sec. 4. (1) A plan document describing the salary reduction plan shall be adopted and administered by the committee. The committee shall represent the state in all matters concerning the administration of the plan. The state through the committee, may engage the services of a professional consultant or administrator on a contractual basis to serve as an agent to assist the committee in carrying out the purposes of sections 1 through 10 of this act.

(2) The committee shall formulate and establish policies and procedures for the administration of the salary reduction plan that are consistent with existing state law, the internal revenue code, and the regulations adopted by the internal revenue service as they may apply to the benefits offered to participants under the plan.

(3) The funds held by the state for the dependent care program shall be deposited in the salary reduction account in the state treasury. Any interest in excess of the amount used to defray the cost of administering the salary reduction plan shall become a part of the general fund as shall unclaimed moneys remaining in the salary reduction account at the end of a plan year. The committee may assess each participant a fee for administering the salary reduction plan. In addition to moneys for initial costs, moneys shall be appropriated from the general fund for any expense relating to the administration of the salary reduction plan. The appropriation may be funded from an amount equivalent to actually realized savings experienced due to reductions in employer contributions required under the social security act, from other similar savings, from interest earned from the salary reduction account credited to the general fund, from any unclaimed moneys in the salary reduction account at the end of the plan year, and from fees charged to the participants.

(4) Every action taken by the committee in administering sections 1 through 10 of this act shall be presumed to be a fair and reasonable exercise of the authority vested in or the duties imposed upon it. The committee shall be presumed to have exercised reasonable care, diligence, and prudence and to have acted impartially as to all persons interested unless the contrary be proved by clear and convincing affirmative evidence.

**NEW SECTION, Sec. 5.** (1) Elected officials and all permanent officers and employees of the state are eligible to participate in the salary reduction plan and reduce their salary by agreement with the committee. The committee may adopt rules to permit participation in the plan by temporary employees of the state.

(2) Persons eligible under subsection (1) of this section may enter into salary reduction agreements with the state.

(3)(a) In the initial year of the salary reduction plan, an eligible person may become a participant after the adoption of the plan and before its effective date by agreeing to have a portion of his or her gross salary reduced and deposited into a dependent care account to be used for reimbursement of expenses covered by the plan.

(b) After the initial year of the salary reduction plan, an eligible person may become a participant for a full plan year, with annual benefit selection for each new plan year made before the beginning of the plan year, as determined by the committee, or upon becoming eligible.

(c) Once an eligible person elects to participate and determines the amount his or her salary shall be reduced and the benefit for which the funds are to be used during the plan year, the agreement shall be irrevocable and may not be amended during the plan year except as provided in (d) of this subsection. 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.

(d) The committee shall provide in the salary reduction plan that a participant may enroll, terminate, or change his or her election after the plan year has begun if there is a significant change in a participant's status, as provided by 26 U.S.C. Sec. 125 and the regulations adopted under that section.

(4) The committee shall establish as part of the salary reduction plan the procedures for and effect of withdrawal from the plan by reason of retirement, death, leave of absence, or termination of employment. To the extent possible under federal law, the committee shall protect participants from forfeiture of rights under the plan.

(5) Any salary reduced under the salary reduction plan shall continue to be included as regular compensation for the purpose of computing the state retirement and pension benefits earned by the employee.

**NEW SECTION, Sec. 6.** The salary reduction account is established in the state treasury. All fees paid to reimburse participants or service providers pursuant to the provisions of sections 1 through 10 of this act shall be paid from the salary reduction account.

**NEW SECTION, Sec. 7.** (1) The committee shall keep or cause to be kept full and adequate accounts and records of the assets, obligations, transactions, and affairs of a salary reduction plan created under section 4 of this act.

(2) The committee shall file an annual report of the financial condition, transactions, and affairs of the salary reduction plan under the committee's jurisdiction. A copy of the annual report shall be filed with the speaker of the house of representatives, the president of the senate, the governor, and the state auditor.

(3) Members of the committee shall be deemed to stand in a fiduciary relationship to the employees participating in the salary reduction plan and shall discharge their duties in good faith and with that diligence, care, and skill which ordinary prudent persons would exercise under similar circumstances in like positions.

**NEW SECTION, Sec. 8.** (1) The state may terminate the salary reduction plan at the end of the plan year or upon notification of federal action affecting the status of the plan.

(2) The committee may amend the salary reduction plan at any time if the amendment does not affect the rights of the participants to receive eligible reimbursement from the participants' dependent care accounts.

NEW SECTION. Sec. 9. The committee shall adopt rules to implement sections 3 through 8 of this act.

NEW SECTION. Sec. 10. Sections 1 through 9 of this act shall be construed to effectuate the purposes of 26 U.S.C. Sec. 125.

Sec. 11. Section 1, chapter 274, Laws of 1975 1st ex. sess. as last amended by section 23, chapter 57, Laws of 1985 and RCW 41.04.260 are each amended to read as follows:

(1) There is hereby created a committee for deferred compensation to be composed of five members appointed by the governor, one of whom shall be a representative of an employee association or union certified as an exclusive representative of at least one bargaining unit of classified employees, one who shall be a representative of either a credit union, savings and loan association, mutual savings bank or bank, one who possesses expertise in the area of insurance or investment of public funds, one who shall be the state attorney general or his designee, and one additional member selected by the governor. The committee shall serve without compensation but shall receive travel expenses as provided for in RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

(2) The deferred compensation revolving fund is hereby created in the state treasury. All expenses of the committee including staffing and administrative expenses shall be paid out of the deferred compensation revolving fund.

The amount of compensation deferred by employees under agreements entered into under the authority contained in RCW 41.04.250 shall be paid into the revolving fund and shall be sufficient to cover costs of administration and staffing in addition to such other amounts as determined by this committee. The revolving fund shall be used to carry out the purposes of RCW 41.04.250. All eligible state employees shall be given the opportunity to participate in agreements entered into by the committee under RCW 41.04.250. State agencies shall cooperate with the committee in providing employees with the opportunity to participate. Any county, municipality, or other subdivision of the state may elect to participate in any agreements entered into by the committee under RCW 41.04.250, including the making of payments therefrom to the employees participating in a deferred compensation plan upon their separation from state or other qualifying service. Accordingly, the revolving fund shall be considered to be a public pension or retirement fund within the meaning of Article XXIX, section 1 of the state Constitution, for the purpose of determining eligible investments and deposits of the moneys therein. All moneys in the revolving fund, all property and rights purchased therewith, and all income attributable thereto, shall remain (until made available to the participating employee or other beneficiary) solely the money, property, and rights of the state and participating counties, municipalities and subdivisions (without being restricted to the provision of benefits under the plan) subject only to the claims of the state's and participating jurisdictions' general creditors. Participating jurisdictions shall each retain property rights separately.

(3) The state investment board, at the request of the deferred compensation committee, is authorized to invest moneys in the deferred compensation revolving fund in accordance with RCW 43.84.150. Except as provided in RCW 43.33A.160, one hundred percent of all earnings from these investments shall accrue directly to the deferred compensation revolving fund. The earnings on any surplus balances in the deferred compensation revolving fund shall be credited to the deferred compensation fund, notwithstanding RCW 43.84.090.

(4) In addition to the duties specified in this section and RCW 41.04.250, the deferred compensation committee shall administer the salary reduction plan established in sections 1 through 10 of this 1987 act.

(5) The deferred compensation committee shall keep or cause to be kept full and adequate accounts and records of the assets, obligations, transactions, and affairs of any deferred compensation plans created under RCW 41.04.250 through 41.04.260.

The deferred compensation committee shall file an annual report of the financial condition, transactions, and affairs of the deferred compensation plans under the committee's jurisdiction. A copy of the annual report shall be filed with the speaker of the house of representatives, the president of the senate, the governor, and the state auditor.

~~((6))~~ (6) Members of the deferred compensation committee shall be deemed to stand in a fiduciary relationship to the employees participating in the deferred compensation plans created under RCW 41.04.250 through 41.04.260 and shall discharge the duties of their respective positions in good faith and with that diligence, care, and skill which ordinary prudent persons would exercise under similar circumstances in like positions.

~~((7))~~ (7) The committee may adopt rules necessary to carry out the purposes of RCW 41.04.250 and 41.04.260.

NEW SECTION. Sec. 12. Sections 1 through 10 of this act are each added to chapter 41.04 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 motion of Senator Halsan, the following title amendment was adopted:

On page 1, line 1 of the title, after "care;" strike the remainder of the title and insert "amending RCW 41.04.260; and adding new sections to chapter 41.04 RCW."

#### MOTION

On motion of Senator Halsan, the rules were suspended, Engrossed Substitute House Bill No. 844, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 844, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 844, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Excused: Senator McDermott - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 844, 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.

#### SECOND READING

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.

#### MOTION

On motion of Senator Smitherman, the rules were suspended, House Bill No. 954 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 954.

#### ROLL CALL

The Secretary called the roll on final passage of House Bill No. 954 and the bill passed the Senate by the following vote: Yeas, 44; absent, 4; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McDonald, Metcalf, Moore, Nelson, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 44.

Absent: Senators Cantu, Hayner, McCaslin, Newhouse - 4.

Excused: Senator McDermott - 1.

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.

#### 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.

#### MOTIONS

On motion of Senator Halsan, the following Committee on Governmental Operations amendment was adopted:

On page 1, after line 9, strike the remainder of the bill and insert the following:

**\*NEW SECTION, Sec. 2.** A new section is added to chapter 36.36 RCW to read as follows:

The county shall have a lien for any delinquent fees imposed for the withdrawal of subterranean water or on-site sewage disposal, which shall attach to the property to which the fees were imposed, if the following conditions are met:

(1) At least eighteen months have passed since the first billing for a delinquent fee installment; and

(2) At least three billing notices and a letter have been mailed to the property owner, within the period specified in subsection (1) of this section, explaining that a lien may be imposed for any delinquent fee installment that has not been paid in that period.

The lien shall otherwise be subject to the provisions of chapter 36.94 RCW related to liens for delinquent charges."

On motion of Senator Halsan, the rules were suspended, House Bill No. 1016, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### MOTION

On motion of Senator Bender, Senator Fleming was excused.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 1016, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of House Bill No. 1016, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; absent, 2; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Paterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vogtild, von Reichbauer, West, Williams, Wojahn, Zimmerman - 45.

Absent: Senators Cantu, Warnke - 2.

Excused: Senators Fleming, McDermott - 2.

HOUSE BILL NO. 1016, 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.

#### SECOND READING

ENGROSSED 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.

#### MOTION

On motion of Senator Hansen, the following Committee on Transportation amendment was adopted:

On page 1, beginning on line 13, strike all material through "designs." on page 2, line 29 and insert the following:

"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 within a class AA county, or within a class A county contiguous to a class AA county, or within a second class county contiguous to a class A county that is contiguous to a class AA county is authorized to levy and collect a special excise tax not exceeding ninety-nine one-hundredths 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. Any other municipality is authorized to levy and collect a special excise tax not exceeding 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."

#### MOTION

On motion of Senator Hansen, the rules were suspended, Engrossed House Bill No. 1034, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Rasmussen: "Senator Hansen, after they build up this pool of money, what are they going to do with it?"

Senator Hansen: "Well, they are talking about mass transit systems. Other places have rail systems. They park their cars, they try to move people in and out of the metropolitan areas, not all by automobile and I think that's what it's all about. In the future, in further development of our urban areas, it's going to be necessary that we have some other ways of commuting beside the automobile."

Senator Rasmussen: "One further question, Senator Hansen. You are a full-timer around here. After they build up a pool of money, they never have any problem figuring out how to spend it. Is that true?"

Senator Hansen: "They never have yet."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 1034, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 1034, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 39; nays, 8; absent, 1; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Rinehart, Sellar, Smitherman, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 39.

Voting nay: Senators Bottiger, Craswell, McCaslin, Pullen, Rasmussen, Saling, Stratton, Tanner - 8.

Absent: Senator McDonald - 1.

Excused: Senator McDermott - 1.

ENGROSSED HOUSE BILL NO. 1034, 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.

## SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1035, by Committee on Transportation (originally sponsored by Representatives Fisher, Walk, Vekich, Madsen, Walker, Fisch, Spanel, Hine, H. Sommers, Jacobsen, Todd, Bristow, Cantwell, K. Wilson, Leonard, Lux, Unsoeld, Allen, Grimm, Winsley, Nelson, Cole, Scott, Baugher, Ebersole, Niemi, Sutherland, Brekke, Wang, Basich, Wineberry and P. King)

Creating the rail development commission.

The bill was read the second time.

## MOTION

On motion of Senator Bender, the following Committee on Transportation amendment was adopted:

On page 2, beginning on line 4, strike all material through line 33 and insert:

"(2) The governor shall appoint sixteen members, two from each Congressional district, to represent the following:

(a) Four as city representatives, who shall be elected by city officials, with at least one from a small city or town affected by abandonment of rail freight service and one from a large city who was a member of the Puget Sound council of governments multicorridor steering committee;

(b) Four as county representatives, who shall be elected county officials, with at least one from a small county affected by abandonment of rail freight service and one from a large county who was a member of the Puget Sound council of governments multicorridor steering committee;

(c) Two citizens from Eastern Washington to represent the private sector;

(d) Two citizens from Western Washington to represent the private sector;

(e) One as representative of a railroad;

(f) One as representative of a labor organization that represents workers in the railroad industry;

(g) One as representative of the Washington public ports association; and

(h) One as representative of the Washington state transit association.

(3) The three remaining members shall be:

(a) The secretary of transportation or a designee;

(b) One additional representative of the department of transportation appointed by the secretary of transportation; and

(c) The director of the Washington state transportation center created by agreement between the University of Washington, Washington State University, and the department of transportation."

President Pro Tempore Rasmussen assumed the chair.

## MOTION

On motion of Senator Bender, the rules were suspended, Engrossed Substitute House Bill No. 1035, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 1035, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 1035, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; nays, 3; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Paterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Smitherman, Talmadge, Tanner, Vognil, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 45.

Voting nay: Senators Craswell, Saling, Stratton - 3.

Excused: Senator McDermott - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1035, 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.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1098, by Committee on Natural Resources (originally sponsored by Representatives Haugen, S. Wilson, Jacobsen and Beck)

Requiring an agreement with the federal government for the exchange of certain tidelands on the Olympic peninsula.

The bill was read the second time.

## MOTIONS

On motion of Senator Owen, the following Committee on Natural Resources amendments were considered simultaneously and adopted:

On page 1, line 6, after "exchange" strike "all but the mineral rights on"

On page 1, after line 13, insert a new paragraph as follows:

"If the state parks and recreation commission and the federal government enter into an agreement to exchange Keystone Spit for state-owned tidelands included in the seashore conservation area, the department of natural resources shall transfer to the state parks and recreation commission quit claim deed title to the tidelands to be exchanged."

On page 1, line 23, after "Washington" insert "and shall further state that the national park service agrees to consult with the state parks and recreation commission regarding the adoption of any rules or changes in management policies and agrees to endeavor to accommodate the state's interests"

On motion of Senator Owen, the rules were suspended, Substitute House Bill No. 1098, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## POINT OF INQUIRY

Senator Patterson: "Senator Metcalf, under the proposed bill, what happens to the mineral rights of the state-owned land on this?"

Senator Metcalf: "It is my understanding, Senator Patterson, that the mineral rights are included in the trade and are traded to the federal government."

Senator Patterson: "So, the federal government will have how many miles of mineral rights on the shores over on the ocean?"

Senator Metcalf: "It is about something over fifty miles on the tidelands. Now, you understand that the tidelands are from high tide to low tide, but the narrow strip--some places less wide than this room and in other places wider, but it's over fifty miles long."

Senator Patterson: "But if they have rights to that, then who has the authority to authorize any opportunity for determining whether or not there might be some oil, or what have you, in that particular strip of land? Would that then be under the jurisdiction of the federal government?"

Senator Metcalf: "I am going to--if I am wrong on my answer I'll ask Senator Owen to correct me--but I believe that it would be in the jurisdiction of the federal government. Now, the state has control of all the lands seaward for the next three miles of this tideland, but the federal government would have the tidelands and the uplands."

Senator Patterson: "Are any of the lands adjacent to Indian land in that area?"

Senator Metcalf: "I am not certain on that. I don't know. Perhaps Senator Conner or Senator Owen can answer that for sure. I think some are, but I am not sure."

Senator Patterson: "Senator Conner nods his head as though there is adjacent Indian land that would be in-shore from the tideland. Would that be Indian land?"

Senator Metcalf: "Right, in some areas--in some of that fifty miles, as I understand it."

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1098, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1098, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 40; nays, 8; absent, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Halsan, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Owen, Peterson, Pullen, Rasmussen, Rinehart, Sailing, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, West, Williams - 40.

Voting nay: Senators Bottiger, Conner, Fleming, Newhouse, Patterson, Warnke, Wojahn, Zimmerman - 8.

Absent: Senator Hansen - 1.

SUBSTITUTE HOUSE BILL NO. 1098, 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.

## INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore introduced the following winners of the Martin Luther King essay contest, and their teachers, guests of Senator George Fleming, who were seated in the gallery: Dammian Tucker and teacher, Mrs. Carey Nyman; Heather Ebbs and teacher, Debbie Strong; Sati Mookherjee and teacher, Lalani Dend.

## PERSONAL PRIVILEGE

Senator Fleming: "Mr. President, a point of personal privilege. As one of the co-chairmen, along with Senator Smitherman, of the Martin Luther King celebration committee, I, personally, would like to congratulate these young people. Dr. Brouillet has done quite a job with his staff in making the celebration of Dr. Martin Luther King something to behold. These young people are expressing and it gives these young people an opportunity to realize what Dr. King stood for and what his life was all about. It also gives them time to reflect on what he stood for and what this great country of ours is all about, so I'd just like to say thank you to those young people and thank Dr. Brouillet for the job he is doing.

"At the same time, I'd like to say some credit should also be given to Mr. Dammian Tucker, who is from Senator Rasmussen's district, Debbie Strong is from Senator Johnson's district and Lalani Dend is from Senator Anderson's district and I'd just like to recognize those Senators that these young people are from their districts and I congratulate them again."

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

## INTRODUCTION AND FIRST READING

SB 6073 by Senators Fleming, Sellar, Bottiger and Hayner

AN ACT Relating to state leases; adding new sections to chapter 43.82; and declaring an emergency.

## MOTION

On motion of Senator Vognild, the rules were suspended, Senate Bill No. 6073 was advanced to second reading and placed on the second reading calendar.

## MOTION

At 2:35 p.m., on motion of Senator Vognild, the Senate was declared to be at ease. The Senate was called to order at 4:13 p.m. by President Cherberg.

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

## MESSAGE FROM THE GOVERNOR

April 15, 1987

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

I have the honor to advise you that on April 15, 1987, Governor Gardner approved the following Senate Bill entitled:

Substitute Senate Bill No. 5045  
Relating to elections.

Sincerely,  
TERRY SEBRING, Legal Counsel to the Governor

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

## MESSAGE FROM THE HOUSE

April 7, 1987

Mr. President:

The House has passed SENATE BILL NO. 5072 with the following amendments:

On page 1, line 19 after "hazardous" strike "waste and insert "constituents"

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 provision 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".

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

On motion of Senator Kreidler, the Senate refused to concur in the House amendments to Senate Bill No. 5072 and asks the House to recede therefrom.

#### MESSAGE FROM THE HOUSE

April 9, 1987

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5150 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 payroll 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 ~~((2))~~ (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 ~~((3))~~ (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 ~~((s-+))~~ 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."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

Senator Vognild moved that the Senate do concur in the House amendments to Engrossed Substitute Senate Bill No. 5150.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Vognild that the Senate do concur in the House amendments to Engrossed Substitute Senate Bill No. 5150.

The motion by Senator Vognild carried and the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 5150.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 5150, as amended by the House.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 5150, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 39; nays, 10.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, Metcalf, Moore, Nelson, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 39.



Voting nay: Senators Anderson, Barr, Cantu, Craswell, Deccio, Hayner, McCaslin, Newhouse, Saling, Sellar - 10.

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.

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

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 400, by Committee on Commerce and 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 second time.

#### MOTION

Senator Anderson moved that the following amendments be considered simultaneously and adopted:

On page 3, line 2, strike "one hundred" and insert "eighty-five"

On page 5, line 6, strike "one hundred" and insert "eighty-five"

On page 6, line 29, strike "one hundred" and insert "eighty-five"

On page 7, line 5, strike "one hundred" and insert "eighty-five"

On page 9, line 24, strike "one hundred" and insert "eighty-five"

On page 9, line 32, after "reenacted" insert "and amended"

On page 11, line 14, after "exceed" strike "one hundred" and insert "~~((one hundred))~~ eighty-five"

Debate ensued.

Senator Newhouse demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendments by Senator Anderson.

#### ROLL CALL

The Secretary called the roll and the amendments by Senator Anderson were adopted by the following vote: Yeas, 27; nays, 22.

Voting yea: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Garrett, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Pullen, Saling, Sellar, Stratton, von Reichbauer, West, Zimmerman - 27.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Gaspard, Halsan, Hansen, Kreidler, McDermott, Moore, Peterson, Rasmussen, Rinehart, Smitherman, Talmadge, Tanner, Vognild, Warnke, Williams, Wojahn - 22.

#### MOTION

On motion of Senator Vognild, further consideration of Substitute House Bill No. 400 was deferred.

#### STATEMENT FOR THE JOURNAL

April 15, 1987

Regarding amendments to Substitute House Bill No. 400:

I voted 'yes' in error. I intended to vote 'no.'

SENATOR AVERY GARRETT, 11TH District

#### INTRODUCTION OF SPECIAL GUESTS

The President introduced Queen Kara Minifie and Beth Newbill, Rachel Barns and Paulette Himmelpach, members of the Miss North Shore Scholarship Pageant, guests of Senators Bender, Bluechel and Kiskaddon, who were seated in the gallery.

## SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 80, by Committee on Financial Institutions and Insurance (originally sponsored by Representatives Zellinsky, Locke, Winsley, Lux, Crane, Chandler, Holland, Belcher, Betzoff, Lewis and Dellwo) (by request of Attorney General)

Regulating mortgage brokers.

The bill was read the second time.

## MOTIONS

On motion of Senator Bottiger, the following Committee on Financial Institutions amendment was adopted:

On page 6, beginning on line 29, strike "gross"

Senator Pullen moved that the following amendments be considered simultaneously and adopted:

On page 4, line 29, after "shall" strike "immediately"

On page 4, line 30, after "deposit" insert ", prior to the end of the next business day."

Debate ensued.

The President declared the question before the Senate to be adoption of the amendments by Senator Pullen.

The motion by Senator Pullen carried and the amendments were adopted.

## MOTIONS

On motion of Senator Bottiger, the following amendment was adopted:

On page 5, line 24, after "exceed" strike "one" and insert "three"

On motion of Senator Bottiger, the rules were suspended, Engrossed Substitute House Bill No. 80, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 80, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 80 as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; nays, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Voting nay: Senator Pullen - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 80, 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.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 982, by Committee on Education (originally sponsored by Representatives Fuhrman, Valle, Betzoff, 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.

## MOTIONS

On motion of Senator Gaspard, the following Committee on Education amendment was adopted:

Strike everything after the enacting clause and insert the following:

\*Sec. 1. Section 28A.04.120, chapter 223, Laws of 1969 ex. sess. as last amended by section 3, chapter 149, Laws of 1986 and by section 86, chapter 266, Laws of 1986 and RCW 28A.04.120 are each reenacted and amended to read as follows:

In addition to any other powers and duties as provided by law, the state board of education shall:

(1) Approve the program of courses leading to teacher, school administrator, and school specialized personnel certification offered by all institutions of higher education within the state which may be accredited and whose graduates may become entitled to receive such certification.

(2) Investigate the character of the work required to be performed as a condition of entrance to and graduation from any institution of higher education in this state relative to such certification as provided for in subsection (1) above, and prepare a list of accredited institutions of higher education of this and other states whose graduates may be awarded such certificates.

(3) (a) The state board of education shall adopt rules to allow a teacher certification candidate to fulfill, in part, teacher preparation program requirements through work experience as a noncertificated teacher's aide in a public school or private school meeting the requirements of RCW 28A.02.201. The rules shall include, but are not limited to, limitations based upon the recency of the teacher preparation candidate's teacher aide work experience, and limitations based on the amount of work experience that may apply toward teacher preparation program requirements under this chapter.

(b) The state board of education shall require that at the time of the individual's enrollment in a teacher preparation program, the supervising teacher and the building principal shall jointly provide to the teacher preparation program of the higher education institution at which the teacher candidate is enrolled, a written assessment of the performance of the teacher candidate. The assessment shall contain such information as determined by the state board of education and shall include: Evidence that at least fifty percent of the candidate's work as a noncertificated teacher's aide was involved in instructional activities with children under the supervision of a certificated teacher and that the candidate worked a minimum of six hundred thirty hours for one school year; the type of work performed by the candidate; and a recommendation of whether the candidate's work experience as a noncertificated teacher's aide should be substituted for teacher preparation program requirements. In compliance with such rules as may be established by the state board of education under this section, the teacher preparation programs of the higher education institution where the candidate is enrolled shall make the final determination as to what teacher preparation program requirements may be fulfilled by teacher aide work experience.

(4) Supervise the issuance of such certificates as provided for in subsection (1) above and specify the types and kinds of certificates necessary for the several departments of the common schools by rule or regulation in accordance with RCW 28A.70.005.

~~((4))~~ (5) Accredite, subject to such accreditation standards and procedures as may be established by the state board of education, all schools that apply for accreditation, and approve, subject to the provisions of RCW 28A.02.201, private schools carrying out a program for any or all of the grades one through twelve: PROVIDED, That no public or private schools shall be placed upon the list of accredited schools so long as secret societies are knowingly allowed to exist among its students by school officials: PROVIDED FURTHER, That the state board may elect to require all or certain classifications of the public schools to conduct and participate in such pre-accreditation examination and evaluation processes as may now or hereafter be established by the board.

~~((5))~~ (6) Make rules and regulations governing the establishment in any existing nonhigh school district of any secondary program or any new grades in grades nine through twelve. Before any such program or any new grades are established the district must obtain prior approval of the state board.

~~((6))~~ (7) Prepare such outline of study for the common schools as the board shall deem necessary, and prescribe such rules for the general government of the common schools, as shall seek to secure regularity of attendance, prevent truancy, secure efficiency, and promote the true interest of the common schools.

~~((7))~~ (8) Prepare with the assistance of the superintendent of public instruction a uniform series of questions, with the proper answers thereto for use in the correcting thereof, to be used in the examination of persons, as this code may direct, and prescribe rules and regulations for conducting any such examinations.

~~((8))~~ (9) Continuously reevaluate courses and adopt and enforce regulations within the common schools so as to meet the educational needs of students and articulate with the institutions of higher education and unify the work of the public school system.

((#)) (10) Carry out board powers and duties relating to the organization and reorganization of school districts under chapter 28A.57 RCW.

((#)) (11) By rule or regulation promulgated upon the advice of the director of community development, through the director of fire protection, provide for instruction of pupils in the public and private schools carrying out a K through 12 program, or any part thereof, so that in case of sudden emergency they shall be able to leave their particular school building in the shortest possible time or take such other steps as the particular emergency demands, and without confusion or panic; such rules and regulations shall be published and distributed to certificated personnel throughout the state whose duties shall include a familiarization therewith as well as the means of implementation thereof at their particular school.

((#)) (12) Hear and decide appeals as otherwise provided by law.

The state board of education is given the authority to promulgate information and rules dealing with the prevention of child abuse for purposes of curriculum use in the common schools."

On motion of Senator Gaspard, the following title amendment was adopted:

On page 1, line 1 of the title, after "certification;" strike the remainder of the title and insert "and reenacting and amending RCW 28A.04.120."

#### MOTION

On motion of Senator Gaspard, the rules were suspended, Substitute House Bill No. 982, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 982, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 982, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; absent, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Absent: Senators Lee, Zimmerman - 2.

SUBSTITUTE HOUSE BILL NO. 982, 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.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 432, by Representatives Chandler, Lux, Ballard, McMullen, Winsley and Zellinsky

Regulating fraternal benefit societies.

The bill was read the second time.

#### MOTION

Senator Bottiger moved that the following Committee on Financial Institutions amendment be adopted:

On page 18, line 17, after "equipment," strike everything through "sex." on line 20

Debate ensued.

Senator Moore demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the Committee on Financial Institutions amendment.

#### ROLL CALL

The Secretary called the roll and the committee amendment was adopted by the following vote: Yeas, 29; nays, 19; absent, 1.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, Gaspard, Halsan, Hansen, Hayner, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Saling, Sellar, Tanner, Vognild, von Reichbauer, Zimmerman - 29.

Voting nay: Senators Anderson, Bailey, DeJarnatt, Fleming, Garrett, Johnson, Kiskaddon, Kreidler, McDermott, Pullen, Rasmussen, Rinehart, Smitherman, Stratton, Talmadge, Warnke, West, Williams, Wojahn - 19.

Absent: Senator Lee - 1.

#### MOTION

On motion of Senator Moore, the rules were suspended, Engrossed House Bill No. 432, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 432, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 432, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; nays, 2; absent, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 45.

Voting nay: Senators Fleming, Rinehart - 2.

Absent: Senators Lee, Vogt - 2.

ENGROSSED HOUSE BILL NO. 432, 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.

#### SECOND 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 second time.

#### MOTIONS

Senator Tanner moved that the following Committee on Transportation amendment be adopted:

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 under the age of twelve years 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 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.

Sec. 3. 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, and 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 which 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, but not less than two times annually and not less than five times during its term of appointment, and shall receive no compensation for ((their)) services but shall be reimbursed ((their)) for 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 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.

(5) The priorities of the program shall be in the following order of priority:

(a) Public awareness of motorcycle safety.

(b) Motorcycle safety education in a vocational-technical institute, educational service district, school district, community college, college, university, county, city, town, and other public or private educational program.

(c) Classroom and on-cycle training.

(d) Improved motorcycle operator testing."

Senator Bottiger moved that the following amendment to the Committee on Transportation amendment be adopted:

On page 2, strike lines 7 through 19 and insert:

"(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."

Debate ensued.

Senator Bottiger demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator Bottiger on page 2, lines 7 through 19, to the Committee on Transportation amendment.

## ROLL CALL

The Secretary called the roll and the motion by Senator Bottiger failed and the amendment to the committee amendment was not adopted by the following vote: Yeas, 23; nays, 24; absent, 2.

Voting yea: Senators Bailey, Bluechel, Bottiger, Cantu, Conner, Decchio, Gaspard, Johnson, Kiskaddon, Kreidler, McDermott, McDonald, Moore, Nelson, Owen, Peterson, Rinehart, Saling, Talmadge, von Reichbauer, West, Wojahn, Zimmerman - 23.

Voting nay: Senators Anderson, Barr, Bauer, Bender, Benitz, Craswell, DeJarnatt, Garrett, Halsan, Hansen, Hayner, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Rasmussen, Sellar, Smitherman, Stratton, Tanner, Vognild, Warnke, Williams - 24.

Absent: Senators Fleming, Lee - 2.

## MOTION

Senator Talmadge moved that the following amendment to the Committee on Transportation amendment be adopted:

On page 6, line 4, after "testing," insert:

"NEW SECTION. Sec. 4. Any person seeking damages for an accident arising out of their operation of a motorcycle or motor-driven cycle shall be guilty of negligence per se if such person was not wearing a protective helmet of a type conforming to rules adopted by the commission on equipment."

## POINT OF INQUIRY

Senator Halsan: "Senator Talmadge, I am shocked that you are taking a step backward in tort reform that was enacted last year regarding the elimination of negligence, per se. I did have kind of a question in regards to what your intent is on this particular bill or amendment. The way that I read it, and I am just a country lawyer with a sole practitioner firm, it says 'Any person seeking damages for an accident arising out of the operation of a motorcycle, or motor driven cycle, shall be guilty of negligence, per se, if such person were not wearing a protective helmet of the type conforming to the rules adopted by the commission on equipment.' Now, if I am driving through town in my pickup truck and some dumb motorcyclist without a helmet on, popped out and drives through a stop sign and is coming up in front of me such as that I have to swerve and hit a tree and injure myself and I am involved in an accident arising out of the operation of a motorcycle. Should I have been wearing a helmet in my pickup truck?"

Senator Talmadge: "Senator Halsan, first whenever Senator Halsan says he is just a poor country lawyer, I always grab for my wallet because I know my pocket is about to be picked the same way Sam Ervin used to do in the United States Senate. The answer is no. It pertains solely to the person who is operating the motorcycle--the individual who is operating the motorcycle and then seeks damages arising out of the accident--would be guilty of negligence, per se. You note, there is no specific percentage stated. It is simply negligence as a matter of law and the jury determines how much of a percentage is attributable to the operator of the truck, in your example, and the operator of the motorcycle, in that example.

"I would note also with respect to tort reform that what we intended to do so specifically in that statute, and I know you are interested in that issue, Senator Halsan, in some great detail, was to provide that the Legislature would say when someone was going to be guilty of negligence, per se, for violating a standard and when they were not. This is the first instance where we have had the opportunity to say with specificity when someone was guilty of, in this case, comparable fault, per se."

Senator Halsan: "Except in the case of the fire smoke detectors and electrical wiring, but if, in fact, it was the operation of the motorcycle by the person who, in fact, is seeking damages, perhaps it should say that in the amendment."

Further debate ensued.

Senator Rasmussen demanded a roll call and the demand was sustained.

## MOTION

On motion of Senator Zimmerman, Senator Lee was excused.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator Talmadge to the Committee on Transportation amendment.

## ROLL CALL

The Secretary called the roll and the motion by Senator Talmadge failed and the amendment to the committee amendment was not adopted by the following vote: Yeas, 16; nays, 31; absent, 1; excused, 1.

Voting yea: Senators Anderson, Bottiger, Fleming, Johnson, Kreidler, McCaslin, McDermott, Metcalf, Moore, Nelson, Owen, Peterson, Rinehart, Talmadge, Wojahn, Zimmerman - 16.

Voting nay: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Halsan, Hansen, Hayner, Kiskaddon, McDonald, Newhouse, Patterson, Pullen, Rasmussen, Saling, Smitherman, Stratton, Tanner, Vognild, von Reichbauer, Warnke, West, Williams - 31.

Absent: Senator Sellar - 1.

Excused: Senator Lee - 1.

The President declared the question before the Senate to be adoption of the Committee on Transportation amendment.

The Committee on Transportation amendment was adopted.

## MOTIONS

On motion of Senator Hansen, the following title amendment was adopted:

On line 1 of the title, after "helmets;" strike the remainder of the title and insert "and amending RCW 46.37.530, 46.20.505, and 46.20.520."

On motion of Senator Hansen, the rules were suspended, Engrossed House Bill No. 161, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 161, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 161, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 36; nays, 9; absent, 3; excused, 1.

Voting yea: Senators Anderson, Bailey, Bauer, Bender, Bluechel, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Hansen, Hayner, Johnson, Kreidler, McCaslin, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 36.

Voting nay: Senators Barr, Benitz, Bottiger, Craswell, Halsan, Metcalf, Nelson, Pullen, West - 9.

Absent: Senators Kiskaddon, McDermott, McDonald - 3.

Excused: Senator Lee - 1.

ENGROSSED HOUSE BILL NO. 161, 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.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 755, by Committee on Health Care (originally sponsored by Representatives Braddock, Brooks, Niemi and P. King) (by request of Department of Corrections)

Revising provisions relating to community corrections.

The bill was read the second time.

## MOTION

Senator Wojahn moved that the following amendment by Senators Wojahn and Hayner be adopted:

On page 1, after line 21, strike all material through "appropriations." on page 2, line 27 and insert:

"(1) A county may establish a community corrections board which shall consist of nine members. The county legislative authority shall appoint four members to the board, two of whom shall be from the private sector. The secretary shall appoint one member to the board. In addition, the county prosecutor and county sheriff, or their designees, a judge of the county superior court selected by the county superior court judges, and a county district court judge, selected by the county district court judges, shall be members of the board.



(2) If a combination of counties establishes a community corrections board, an intergovernmental agreement shall establish the composition and powers of the board, not to exceed the authority granted in this section.

(3) The community corrections board shall develop a community corrections plan for the county. Upon request, the department may provide technical assistance in developing the plan. The plan shall describe the existing correctional resources, goals, objectives, needs, and problems for local and state correctional services in the county. The plan shall review ways to maximize resources and reduce duplication of services. Areas to be addressed in the plan include, but are not limited to: Voluntary services for offenders, which include employment, substance and alcohol abuse services, housing and mental health services; ways to share administrative costs between local and state government; and the development of alternatives to partial and total confinement.

(4) The secretary shall adopt rules for the submittal and review of all plans. Representatives from other state and local agencies and organizations shall participate in the review process. Initiatives that reduce the duplication of services or maximize the use of existing resources shall be given priority."

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senators Wojahn and Hayner.

The motion by Senator Wojahn carried and the amendment was adopted.

#### MOTION

Senator Halsan moved that the following amendment by Senators Halsan, Nelson and Talmadge be adopted:

On page 3, after line 22, insert the following:

"Sec. 5. 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 that portion of an offender's community placement that represents the amount of early release time an offender earns in partial or total confinement.

(4) "Community placement" is a department of corrections program designed to intensely monitor offenders convicted of any sex offense or offense categorized as seriousness level VII or greater under RCW 9.94A.320, following transfer from partial or total confinement. Community placement may consist of entirely community custody, entirely postrelease supervision, or a combination of the two depending on the amount of early release time an offender earns in partial or total confinement. Community placement shall not exceed one year following transfer from partial or total confinement to community custody or direct placement upon postrelease supervision from partial or total confinement. However, community custody may exceed one year in the case of a sex offender who completes his or her treatment program under RCW 9.94A.120(7)(b) before the expiration of the term of confinement.

(5) "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)) (6) "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).

(7) "Conditional release" is an unsupervised one-year period following transfer from community placement for offenders convicted of an offense categorized as seriousness level VII or greater under RCW 9.94A.320 and following an offender's release from total or partial confinement with the department of corrections in all other cases. An offender who is only sentenced to a term of confinement in the county jail does not receive conditional release following their release from jail or any community supervision that may be imposed. During conditional release the conditions under RCW 9.94A.120(8)(d) apply.

Conditional release is not a department of corrections program and the department of corrections has no role, duty or obligation to supervise or in any way control offenders on this status. Violations, if any, may be adjudicated by the courts, upon petition of the prosecuting attorney, pursuant to section 12 of this 1987 act.

((5)) (8) "Confinement" means total or partial confinement as defined in this section.

((6)) (9) "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)) (10) "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)) (11) (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)) (12) "Department" means the department of corrections.

((10)) (13) "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)) (14) "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)) (15) "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)) (16) "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)) (17) "Fines" means the requirement that the offender pay a specific sum of money over a specific period of time to the court.

((15)) (18) (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)) (19) "Nonviolent offense" means an offense which is not a violent offense.

((17)) (20) "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)) (21) "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 other unit of government, for a substantial portion of each day with the balance of the day spent in the community.

(22) "Postrelease supervision" is that portion of an offender's community placement in excess of the amount of early release time an offender has earned in partial or total confinement which has been served in community custody. Community custody and postrelease supervision shall not exceed one year in the aggregate from the offender's release from partial or total confinement.

((19)) (23) "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)) (24) "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)) (25) "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)) (26) "Sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

~~((23))~~ (27) "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))~~ (28) "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))~~ (29) "Victim" means any person who has sustained physical or financial injury to person or property as a direct result of the crime charged.

~~((26))~~ (30) "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 (a) of this 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 (a) or (b) of this subsection ~~((26)(a) or (b) of this section~~).

Sec. 6. 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 on or after July 1, 1987, and is sentenced ((on or after July 1, 1987:)) 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)(b) of this section.

If the offender violates any of the terms of community ~~((supervision))~~ custody, the ((court)) ~~department may order the offender to serve ((out the balance of his community supervision term in confinement in the custody of the department of corrections))~~ a maximum of sixty days for each violation in partial or total confinement not to exceed the total period of community placement.

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)(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 an offense categorized as seriousness level VII or greater under RCW 9.94A.320, 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, and shall thereafter be placed on postrelease supervision for the balance of the offender's community placement. Following completion of community placement, if any, the offender shall be placed on one year of conditional release.

(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 an offense categorized as seriousness level VII or greater under RCW 9.94A.320, 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 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 or a specified class of individuals;

(iii) The offender shall participate in treatment or counseling services;

(iv) The offender shall not consume alcohol;

(v) The residence location and living arrangements of a sex offender shall be subject to the prior approval of the department of corrections; or

(vi) The offender shall comply with any crime-related prohibitions.

(d) Those offenders sentenced to the department of corrections for an offense other than a sex offense or an offense categorized as less than seriousness level VII under RCW 9.94A.320, committed on or after July 1, 1987, shall receive conditional release one year following release from total or partial confinement.

(e) An offender on conditional release following a period of community placement shall be subject only to the conditions specified by (c) (i) and (iii) of this subsection. An offender on conditional release who has not been on community placement shall not be subject to conditions under this subsection, but shall only be subject to an enhancement of the offender's score under RCW 9.94A.330 for any new felonies committed during the period of conditional release.

(f) Within thirty days prior to release from confinement and throughout the period of community placement, the conditions of supervision may be modified by the sentencing court, upon motion of the offender or the prosecuting attorney.

(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)) 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.

~~((+0))~~ (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.

~~((+1))~~ (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.

~~((+2))~~ (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.

~~((+3))~~ (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).

~~((+4))~~ (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. 7. 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 persons convicted of a sex offense or an offense categorized as seriousness level VII or greater under RCW 9.94A.320, 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. Persons convicted of a sex offense or an offense categorized as seriousness level VII or greater under RCW 9.94A.320 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 person convicted of a sex offense or an offense categorized as seriousness level VII or greater under RCW 9.94A.320 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.

(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))~~ ~~if the sentence of confinement is in excess of twelve months but not in excess of three years;~~ (5) 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))~~ (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. 8. 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 5 of this act shall not be considered a sanction.

**NEW SECTION.** Sec. 9. 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. 10. 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.

Sec. 11. 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.

**NEW SECTION.** Sec. 12. A new section is added to chapter 9.94A RCW to read as follows:

If the offender violates any condition of postrelease supervision or conditional release following community placement, a hearing may be conducted in the same manner as provided in RCW 9.94A.200. Jurisdiction shall be with the court of the county in which the offender was sentenced. However, the court may order a change of venue to the offender's county of residence or where the violation occurred, for the purpose of holding a violation hearing. The district courts shall have concurrent jurisdiction with the superior courts after a certified copy of the judgment and sentence is filed.

After the hearing, the court may order the offender to be confined for up to sixty days in the county jail, the first thirty of which shall be at state expense from funds provided for this purpose to the department of corrections, and the second thirty of which, together with costs of indigent defense, shall be at county expense. Reasonable 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 or conditions has expired, an offender may be confined for a violation occurring during the period of supervision or conditions if the petition to revoke is filed within the period of supervision or seven days thereafter. The court shall retain jurisdiction for the purpose of holding the violation hearing and imposing a sanction.

Sec. 13. 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 placement 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 9 of this 1987 act and is later found not to have violated a condition or requirement of community placement, time spent in total confinement due to such detention shall not toll the period of community placement. The period of community placement 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 placement, the date for the tolling of the sentence shall be established by the department of corrections.

**NEW SECTION.** Sec. 14. A new section is added to chapter 72.09 RCW to read as follows:

The state of Washington, the department, community corrections officers, their staff, and volunteers who assist community corrections officers in the community placement program are

not liable for civil damages resulting from any act or omission in the rendering of community placement 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. 15. 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) The state has the burden of showing noncompliance by a preponderance of the evidence. 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 convert a term of partial confinement to total confinement. Any time served in confinement awaiting a hearing on noncompliance 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. 16. Section 7, chapter 115, Laws of 1983 as last amended by section 25, chapter 257, Laws of 1986 and RCW 9.94A.360 are each amended to read as follows:

The offender score is measured on the horizontal axis of the sentencing grid. The offender score rules, partially summarized in Table 3, RCW 9.94A.330, are as follows:

The offender score is the sum of points accrued under subsections (1) through ~~((+4))~~ (15) of this section rounded down to the nearest whole number.

(1) A prior conviction is a conviction which exists before the date of sentencing for the offense for which the offender score is being computed. Convictions entered or sentenced on the same date as the conviction for which the offender score is being computed shall be deemed "other current offenses" within the meaning of RCW 9.94A.400.

(2) Except as provided in subsections (3) and (13) of this section, class A prior felony convictions shall always be included in the offender score. Class B prior felony convictions shall not be included in the offender score, if since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent ten consecutive years in the community without being convicted of any felonies. Class C prior felony convictions shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent five consecutive years in the community without being convicted of any felonies. Serious traffic convictions shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender spent five years in the community without being convicted of any serious traffic or felony traffic offenses. This subsection applies to both adult and juvenile prior convictions. Out-of-state convictions for offenses shall be classified according to the comparable offense definitions and sentences provided by Washington law.

(3) Include class A juvenile felonies only if the offender was 15 or older at the time the juvenile offense was committed. Include class B and C juvenile felony convictions only if the offender was 15 or older at the time the juvenile offense was committed and the offender was less than 23 at the time the offense for which he or she is being sentenced was committed.

(4) Score prior convictions for felony anticipatory offenses (attempts, criminal solicitations, and criminal conspiracies) the same as if they were convictions for completed offenses.

(5) In the case of multiple prior convictions, for the purpose of computing the offender score, count all convictions separately, except:

(a) Prior adult offenses which were found, under RCW 9.94A.400(1)(a), to encompass the same criminal conduct, shall be counted as one offense, the offense that yields the highest offender score. The current sentencing court shall determine with respect to other prior adult offenses for which sentences were served concurrently whether those offenses shall be counted as one offense or as separate offenses, and if the court finds that they shall be counted as one offense, then the offense that yields the highest offender score shall be used;

(b) Juvenile prior convictions entered or sentenced on the same date shall count as one offense, the offense that yields the highest offender score; and

(c) In the case of multiple prior convictions for offenses committed before July 1, 1986, for the purpose of computing the offender score, count all adult convictions served concurrently as



one offense, and count all juvenile convictions entered on the same date as one offense. Use the conviction for the offense that yields the highest offender score.

(6) If the present conviction is one of the anticipatory offenses of criminal attempt, solicitation, or conspiracy, count each prior conviction as if the present conviction were for a completed offense.

(7) If the present conviction is for a nonviolent offense and not covered by subsection (11), (12), or (13) of this section, count one point for each adult prior felony conviction and one point for each juvenile prior violent felony conviction and 1/2 point for each juvenile prior nonviolent felony conviction.

(8) If the present conviction is for a violent offense and not covered in subsection (9), (10), (11), or (12) of this section, count two points for each prior adult and juvenile violent felony conviction, one point for each prior adult nonviolent felony conviction, and 1/2 point for each prior juvenile nonviolent felony conviction.

(9) If the present conviction is for Murder 1 or 2, Assault 1, Kidnaping 1, or Rape 1, count three points for prior adult and juvenile convictions for crimes in these categories, two points for each prior adult and juvenile violent conviction (not already counted), one point for each prior adult nonviolent felony conviction, and 1/2 point for each prior juvenile nonviolent felony conviction.

(10) If the present conviction is for Burglary 1, count prior convictions as in subsection (8) of this section; however count two points for each prior adult Burglary 2 conviction, and one point for each prior juvenile Burglary 2 conviction.

(11) If the present conviction is for a felony traffic offense count two points for each adult or juvenile prior conviction for Vehicular Homicide; count one point for each adult, and 1/2 point for each juvenile, prior conviction for each other felony offense or serious traffic offense.

(12) If the present conviction is for a drug offense count two points for each adult prior felony drug offense conviction and one point for each juvenile drug offense. All other adult and juvenile felonies are scored as in subsection (8) of this section if the current drug offense is violent, or as in subsection (7) of this section if the current drug offense is nonviolent.

(13) If the present conviction is for escape (Escape 1, RCW 9A.76.110; Escape 2, RCW 9A.76.120; Willful Failure to Return from Furlough, RCW 72.66.060; and Willful Failure to Return from Work Release, RCW 72.65.070), count only prior escape convictions in the offender score. Count adult prior escape convictions as one point and juvenile prior escape convictions as 1/2 point.

(14) If the present conviction is for Burglary 2, count priors as in subsection (7) of this section; however, count two points for each adult and juvenile prior Burglary 1 conviction, two points for each adult prior Burglary 2 conviction, and one point for each juvenile prior Burglary 2 conviction.

(15) If the present conviction is for an offense committed while the offender was under community placement or conditional release pursuant to this chapter, count one point.

Sec. 17, Section 4, chapter 115, Laws of 1983 as last amended by section 24, chapter 257, Laws of 1986 and RCW 9.94A.330 are each amended to read as follows:

TABLE 3

OFFENDER SCORE MATRIX

Prior Adult Convictions

(Score prior convictions for felony anticipatory crimes

(attempts, criminal solicitations, and criminal conspiracies) the same as for the completed crime.)

Current Offenses	Serious Violent			Vehicular Assault/Homicide		Escape
	Violent	Burglary 1	Other Violent	Assault/Homicide	Escape	
Serious Violent	3	2	2	2	1	
Burglary 1	2	2	2	2	1	
Other Violent	2	2	2	2	1	
Felony Traffic	1	1	1	2	1	
Escape	0	0	0	0	1	
Burglary 2	1	2	1	1	1	
Other Non-Violent	1	1	1	1	1	
Drug	1	1	1	1	1	
	Burglary 2	Other Felony Traffic	Serious Traffic	Other Non-Violent	Drug	
Current Offenses	2	Felony Traffic	Traffic	Non-Violent	Drug	
Serious Violent	1	1	0	1	1	
Burglary 1	2	1	0	1	1	
Other Violent	1	1	0	1	1	
Felony Traffic	1	1	1	1	1	
Escape	0	0	0	0	0	

	Burglary 2	Other Felony Traffic	Serious Traffic	Other Non- Violent	Drug
Current Offenses					
Burglary 2	2	1	0	1	1
Other Non-Violent	1	1	0	1	1
Drug	1	1	0	1	2
Prior Juvenile Convictions					
(Score prior convictions for felony anticipatory crimes (attempts, criminal solicitations, and criminal conspiracies) the same as for the completed crime.)					
	Serious Violent	Burglary 1	Other Violent	Vehicular Assault/ Homicide	Escape
Current Offenses					
Serious Violent	3	2	2	2	1/2
Burglary 1	2	2	2	2	1/2
Other Violent	2	2	2	2	1/2
Felony Traffic	1/2	1/2	1/2	2	1/2
Escape	0	0	0	0	1/2
Burglary 2	1/2	2	1/2	1/2	1/2
Other Non-Violent	1/2	1/2	1/2	1/2	1/2
Drug	1/2	1/2	1/2	1/2	1/2
	Burglary 2	Other Felony Traffic	Serious Traffic	Other Non- Violent	Drug
Current Offenses					
Serious Violent	1/2	1/2	0	1/2	1/2
Burglary 1	1	1/2	0	1/2	1/2
Other Violent	1/2	1/2	0	1/2	1/2
Felony Traffic	1/2	1/2	1/2	1/2	1/2
Escape	0	0	0	0	0
Burglary 2	1	1/2	0	1/2	1/2
Other Non-Violent	1/2	1/2	0	1/2	1/2
Drug	1/2	1/2	0	1/2	1

Status at Time of Current Offense

On community placement or conditional release 1

Not on community placement or conditional release 0

NEW SECTION. Sec. 18. Sections 5 through 17 of this act shall take effect July 1, 1988."

POINT OF ORDER

Senator Hayner: Mr. President, I raise the question of scope and object on this amendment. This reaches far beyond the purpose of this bill and deals with community custody, with community placement, with conditional release, with post-release supervision, confinement. I think it is clearly beyond the scope and object of this bill."

Further debate ensued.

MOTION

On motion of Senator Bottiger, further consideration of Substitute House Bill No. 755 was deferred.

There being no objection, the Senate resumed consideration of Substitute House Bill No. 857 and the pending Committee on Ways and Means striking amendment, deferred April 13, 1987.

Debate on the Committee on Ways and Means amendment ensued.

The President declared the question before the Senate to be adoption of the Committee on Ways and Means amendment.

The Committee on Ways and Means amendment was adopted.

MOTIONS

On motion of Senator Rinehart, the following title amendment was adopted:

On page 1, line 1 of the title, after "teachers;" strike the remainder of the title and insert "adding a new chapter to Title 28B RCW; and creating a new section."

On motion of Senator Rinehart, the rules were suspended, Substitute House Bill No. 857, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 857, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 857, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yeas: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Lee - 1.

SUBSTITUTE HOUSE BILL NO. 857, 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.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 978, by Committee on Agriculture and Rural Development (originally sponsored by Representatives Rayburn, Baughner, Bristow, Doty and Lewis)

Revising provisions relating to the Yakima river basin enhancement project.

The bill was read the second time.

#### MOTIONS

Senator Hansen moved that the following Committee on Agriculture amendment be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 3, chapter 316, Laws of 1986 (unmodified) is amended to read as follows:

(1) The director of the department of ecology shall:

((+)) (a) Continue to participate with the federal government in its studies of the Yakima enhancement project and of options for future development of the second half of the Columbia Basin project;

((+)) (b) Vigorously represent the state's interest in said studies, particularly as they relate to protection of existing water rights and resolution of conflicts in the adjudication of the Yakima river within the framework of state water rights law and propose means of resolving the conflict that minimize adverse effects on the various existing uses;

((+)) (c) As a cooperative federal and nonfederal effort, work with members of the congressional delegation to identify and advance, subject to the limitations in subsection (2) of this section, for federal authorization elements of the Yakima enhancement project which: Have general public support and acceptable cost-sharing arrangements, meet study objectives, and otherwise have potential for early implementation; and

((+)) (d) In developing acceptable cost-sharing arrangements, request federal recognition of state credit for expenditures of moneys from Washington state utility ratepayers.

(2) While the state and federal governments develop and implement the various phases of the Yakima enhancement project, the policy of the state shall be to require that any new water project or modification of an existing water project that creates a new demand for surface water from the Yakima river system include as a part of that project or modification a supply of water to meet the demand created. Any permit or other authorization required for the project that must be issued by an agency of the state shall include this requirement for water as one of its conditions. For the purposes of this subsection, water supplied by proposals to raise the reservoir elevation of Lake Cle Elum by three feet shall not be considered such a supply of water. For the purposes of this section, the phrase "water projects" includes, but is not limited to, fish passage or protective facilities.

(3) Nothing contained in subsection (2) of this section shall limit any individual or entity from entering into any interim operating agreement, including but not limited to those that may be permitted by chapter 90.54 RCW, for the construction of any new water project or modification of an existing water project pending the completion of facilities which create the additional water required for the operation of such new or modified water project.

(4) The provisions of this section, including but not limited to the interim operating agreements recognized under subsection (3) of this section, shall not interfere with or impact the

availability of water necessary to fulfill existing water rights, and the specific elements, uses, or methods of acquisition of those rights recognized under state water right laws.

NEW SECTION, Sec. 2. Section 1 of this act is added to chapter 43.21A RCW."

Senator Hansen moved that the following amendments to the Committee on Agriculture amendment be considered simultaneously and adopted:

On page 2, after line 12, insert the following:

"(2) In the interest of promoting cooperation between all interested parties and to effectuate the efficient and satisfactory implementation of the Yakima enhancement project, the state requests that Congress authorize the construction of a pipeline between Keechelus Lake and Kachess Lake as one of the elements of early implementation of the Yakima Enhancement Project for the purpose of supplying the water which is demanded for and caused by the operation of the fish passage facilities at the Easton Dam. The department, in concert with other state agencies, shall work diligently to assure that the pipeline element is included in the federal legislation."

Renumber the remaining subsections consecutively.

On page 3, line 12, strike "additional"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendments by Senator Hansen to the Committee on Agriculture amendment.

The motion by Senator Hansen carried and the amendments to the committee amendment were adopted.

The President declared the question before the Senate to be adoption of the Committee on Agriculture amendment, as amended.

The motion by Senator Hansen carried and the committee amendment, as amended, was adopted.

#### MOTIONS

On motion of Senator Hansen, the following title amendment was adopted:

On page 1, beginning on line 1 of the title, after "basin;" strike the remainder of the title and insert "amending section 3, chapter 316, Laws of 1986 (uncodified); and adding a new section to chapter 43.21A RCW."

On motion of Senator Hansen, the rules were suspended, Substitute House Bill No. 978, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 978, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 978, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarmatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDermott, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vogtild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Absent: Senator McDonald - 1.

Excused: Senator Lee - 1.

SUBSTITUTE HOUSE BILL NO. 978, 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.

There being no objection, the Senate resumed consideration of Substitute House Bill No. 1158 and the pending striking amendment by Senator Warnke, deferred April 14, 1987.

#### MOTION

On motion of Senator Wojahn, and there being no objection, the point of order on the striking amendment by Senator Warnke was withdrawn.

## MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Warnke moved to reconsider the vote by which the second striking amendment to Substitute House Bill No. 1158 was adopted on April 14, 1987.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Warnke that the Senate reconsider the vote by which the second striking amendment by Senator Warnke was adopted.

The motion by Senator Warnke carried and the Senate commenced consideration of the second striking amendment by Senator Warnke, on reconsideration.

## MOTION

On motion of Senator Warnke, and there being no objection, the second striking amendment, on reconsideration, was withdrawn.

## MOTION

On motion of Senator Warnke, the Senate resumed consideration of the first striking amendment to Substitute House Bill No. 1158 that was deferred because of the point of order raised on the amendment.

The President declared the question before the Senate to be adoption of the first striking amendment by Senator Warnke.

The motion by Senator Warnke carried and the striking amendment was adopted.

## MOTION

On motion of Senator Warnke, the following Committee on Commerce and Labor amendment was not adopted:

Strike everything after the enacting clause and insert the following:

**NEW SECTION.** Sec. 1. A new section is added to chapter 66.24 RCW to read as follows:

(1) There shall be a license to be designated as a class S license to qualified duty free exporters authorizing such exporters to sell beer and wine to vessels for consumption outside the state of Washington.

(2) To qualify for a license under subsection (1) of this section, the exporter shall have:

(a) An importer's basic permit issued by the United States bureau of alcohol, tobacco, and firearms and a customs house license in conjunction with a common carriers bond;

(b) A customs bonded warehouse, or be able to operate from a foreign trade zone; and

(c) A notarized signed statement from the purchaser stating that the product is for consumption outside the state of Washington.

(3) The license for qualified duty free exporters shall authorize the duty free exporter to purchase from a brewery, winery, beer wholesaler, wine wholesaler, beer importer, or wine importer licensed by the state of Washington.

(4) Beer and/or wine sold and delivered in this state to duty free exporters for use under this section shall be considered exported from the state.

(5) The fee for this license shall be one hundred dollars per annum.

**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."

## MOTIONS

On motion of Senator Warnke, the following title amendment was adopted:

On page 1, line 1 of the title, after "licenses;" strike the remainder of the title and insert "amending RCW 66.04.010 and 66.24.370; adding a new section to chapter 66.16 RCW; adding a new section to chapter 66.24 RCW; and declaring an emergency."

On motion of Senator Warnke, the rules were suspended, Substitute House Bill No. 1158, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1158, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1158, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; nays, 4; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDermott, McDonald, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Wojahn, Zimmerman - 44.

Voting nay: Senators Halsan, Metcalf, Rasmussen, Williams - 4.

Excused: Senator Lee - 1.

SUBSTITUTE HOUSE BILL NO. 1158, 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.

## SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1128, by Committee on Ways and Means/Appropriations (originally sponsored by Representatives H. Sommers, Niemi, Allen, Miller, Rust, Basich, Sayan, Bristow, Rayburn and Winsley)

Revising the calculation of retirement benefits of part-time teachers.

The bill was read the second time.

## MOTION

On motion of Senator Vognild, the rules were suspended, Engrossed Substitute House Bill No. 1128 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 1128.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 1128 and the bill passed the Senate by the following vote: Yeas, 45; absent, 3; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDermott, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 45.

Absent: Senators Bauer, Benitz, McDonald - 3.

Excused: Senator Lee - 1.

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.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 48, by Committee on Judiciary (originally sponsored by Representatives Appelwick, Belcher, Wang, Wineberry, P. King, Locke, Todd, K. Wilson, Leonard and Brekke)

Revising provisions relating to parenting.

The bill was read the second time.

## MOTIONS

On motion of Senator Owen, the following amendments by Senators Owen and Talmadge were considered simultaneously and adopted:

On page 3, line 19, strike "and"

On page 3, line 22, after "circumstances" strike the period and insert "; and"

On page 3, after line 22, insert:

"(f) Providing for the financial support of the child.

On motion of Senator Owen, the following amendment by Senators Owen and Talmadge was adopted:

On page 13, after line 24, insert:

"(4) In entering a permanent parenting plan, the court shall not draw any presumptions from the provisions of the temporary parenting plan."

On motion of Senator Owen, the following amendments by Senators Owen and Talmadge were considered simultaneously and adopted:

On page 17, after line 29, insert the following:

"NEW SECTION. Sec. 17. Each parent shall have full and equal access to the education and medical records of the child absent a court order to the contrary."

Renumber the remaining sections consecutively

On page 27, after line 3, insert the following:

"NEW SECTION. Sec. 42. Each parent shall have full and equal access to the education and medical records of the child absent a court order to the contrary."

Renumber the remaining sections consecutively

On motion of Senator Owen, the following amendments by Senators Owen and Talmadge were considered simultaneously and adopted:

On page 19, line 31, after "custody of" insert "or visitation with"

On page 30, line 25, after "custody of" insert "or visitation with"

On page 31, line 24, after "custody of" insert "or visitation with"

On motion of Senator Owen, the following amendments by Senators Owen and Talmadge were considered simultaneously and adopted:

On page 31, line 26, after "person" strike "for a period of seventy-two hours or more"

On page 31, after line 32, insert the following:

"Sec. 52. Section 3, chapter 95, Laws of 1984 and RCW 9A.40.080 are each amended to read as follows:

(1) Any reasonable expenses incurred in locating or returning a child or incompetent person shall be assessed against a defendant convicted under RCW 9A.40.060 or 9A.40.070.

(2) In any prosecution of custodial interference in the first or second degree, it is a complete defense, if established by the defendant by a preponderance of the evidence, that the defendant's purpose was to protect the child, incompetent person, or himself or herself from imminent physical harm. ~~((and))~~ that the belief in the existence of the imminent physical harm was reasonable, that the defendant sought the assistance of the police, sheriff's office, or protective agencies of the state of Washington prior to committing the acts giving rise to the charges or within three hours thereafter, that the defendant thereafter did not leave the jurisdiction in which the acts occurred or change addresses within the jurisdiction, and that the defendant reported to the police or sheriff's department (a) the defendant's name, (b) the name and address of the child or incompetent person, and (c) the address and phone number where the defendant is residing.

(3) Consent of a child less than sixteen years of age or of an incompetent person does not constitute a defense to an action under RCW 9A.40.060 or 9A.40.070."

#### MOTION

On motion of Senator Talmadge, the rules were suspended, Substitute House Bill No. 48, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### MOTION

On motion of Senator Zimmerman, Senator McDonald was excused.

President Pro Tempore Rasmussen assumed the chair.

Further debate on Substitute House Bill No. 48, as amended by the Senate, ensued.

#### POINT OF INQUIRY

Senator Owen: "Senator Talmadge, is Section 9, subsection (3), subsection (b), intended to prevent parents from having equal time with their children, or long term residential arrangements with each parent on an alternating basis?"

Senator Talmadge: "No, Senator, Section 9, subsection (3), subsection (b), acknowledges that the parents will have equal time with the children in many cases. This section requires additional protection for children if the parents chose to achieve equal time by moving the children frequently back and forth between the parents' households for brief periods of time. This type of pingpong provision, for a couple days with one parent and a couple of days with the other as a regular

schedule can be harmful for children and should be done sparingly. That is the purpose of this section--not to limit the parents' time with the child."

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 48, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 48, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 31; nays, 16; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Johnson, Kiskaddon, Kreidler, McCaslin, Metcalf, Moore, Nelson, Owen, Peterson, Pullen, Rinehart, Smitherman, Stratton, Talmadge, Vognilid, Warnke - 31.

Voting nay: Senators Benitz, Craswell, Hansen, Hayner, McDermott, Newhouse, Patterson, Rasmussen, Saling, Sellar, Tanner, von Reichbauer, West, Williams, Wojahn, Zimmerman - 16.

Excused: Senators Lee, McDonald - 2.

SUBSTITUTE HOUSE BILL NO. 48, 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.

#### MOTION

On motion of Senator Bender, Senator Rinehart was excused.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 138, by Committee on Ways and Means (originally sponsored by Representatives Ebersole, Betrozoff, Grimm, Rasmussen, R. King, P. King, Rayburn, L. Smith, Grant, Wang and Miller) (by request of Commission for Vocational Education)

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

The bill was read the second time.

#### MOTION

On motion of Senator Gaspard, the rules were suspended, Substitute House Bill No. 138 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 138.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 138 and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDermott, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Saling, Smitherman, Stratton, Talmadge, Tanner, Vognilid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 45.

Voting nay: Senator Sellar - 1.

Excused: Senators Lee, McDonald, Rinehart - 3.

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.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 231, by Committee on Agriculture and Rural Development (originally sponsored by Representatives Rayburn, Nealey and Todd) (by request of Department of Ecology)

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

The bill was read the second time.



## MOTION

On motion of Senator Hansen, the rules were suspended, Substitute House Bill No. 231 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 231.

## ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 231 and the bill passed the Senate by the following vote: Yeas, 31; nays, 15; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kreidler, McDermott, Moore, Owen, Peterson, Rasmussen, Smitherman, Stratton, Talmadge, Tanner, Vognild, Warnke, Williams, Wojahn, Zimmerman - 31.

Voting nay: Senators Anderson, Benitz, Bluechel, Craswell, Kiskaddon, McCaslin, Metcalf, Nelson, Newhouse, Patterson, Pullen, Saling, Sellar, von Reichbauer, West - 15.

Excused: Senators Lee, McDonald, Rinehart - 3.

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.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 264, by Committee on Environmental Affairs (originally sponsored 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.

## MOTION

Senator Wojahn moved that the following Committee on Human Services and Corrections amendment be adopted:

Strike everything after the enacting clause and insert the following:

\*Sec. 1. Section 4, chapter 236, Laws of 1985 and RCW 70.160.040 are each amended to read as follows:

(1) A smoking area may be designated in a public place by the owner or, in the case of a leased or rented space, by the lessee or other person in charge except in:

(a) Elevators; buses, except for private hire; streetcars; taxis, except those clearly and visibly designated by the owner to permit smoking; public areas of retail stores and lobbies of financial institutions; office reception areas and waiting rooms of any building owned or leased by the state of Washington or by any city, county, or other municipality in the state of Washington; museums; public meetings or hearings; classrooms and lecture halls of schools, colleges, and universities; and the seating areas and aisle ways which are contiguous to seating areas of concert halls, theaters, auditoriums, exhibition halls, and indoor sports arenas; and

(b) ~~(Hallways of health care facilities, with the exception of nursing homes, and)~~ Lobbies of concert halls, theaters, auditoriums, exhibition halls, and indoor sports arenas, if the area is not physically separated. Owners or other persons in charge are not required to incur any expense to make structural or other physical modifications in providing these areas.

Except as provided in other provisions of this chapter, no public place, other than a bar, tavern, bowling alley, tobacco shop, or restaurant, may be designated as a smoking area in its entirety. If a bar, tobacco shop, or restaurant is designated as a smoking area in its entirety, this designation shall be posted conspicuously on all entrances normally used by the public.

(2) Where smoking areas are designated, existing physical barriers and ventilation systems shall be used to minimize the toxic effect of smoke in adjacent nonsmoking areas.

(3) Managers of restaurants who choose to provide smoking areas shall designate an adequate amount of seating to meet the demands of restaurant patrons who wish to smoke. Owners of restaurants are not required to incur any expense to make structural or other physical modifications in providing these areas. Restaurant patrons shall be informed that separate smoking and nonsmoking sections are available.

(4) Except as otherwise provided in this chapter, a facility or area may be designated in its entirety as a nonsmoking area by the owner or other person in charge.

NEW SECTION. Sec. 2. A new section is added to chapter 70.160 RCW to read as follows:

No person may smoke or chew any tobacco product in a health care facility or an office, laboratory, clinic, hospital, children's day care facility, or nursing home licensed by the state, including those facilities serving as places of business for the following health care providers:

- (1) Acupuncturists licensed under chapter 18.06 RCW;
- (2) Podiatrists licensed under chapter 18.22 RCW;
- (3) Chiropractors licensed under chapter 18.25 RCW;
- (4) Dentists licensed under chapter 18.32 RCW;
- (5) Dental hygienist licensed under chapter 18.29 RCW;
- (6) Dispensing opticians licensed under chapter 18.34 RCW;
- (7) Drugless healers licensed under chapter 18.36 RCW;
- (8) Maternity homes licensed under chapter 18.46 RCW;
- (9) Midwives licensed under chapter 18.50 RCW;
- (10) Nursing homes licensed under chapter 18.51 RCW except for the residents of the home;
- (11) Nursing home administrators licensed under chapter 18.52 RCW;
- (12) Nursing home nursing assistants licensed under chapter 18.52A RCW;
- (13) Optometrists licensed under chapter 18.53 RCW;
- (14) Ocularists licensed under chapter 18.55 RCW;
- (15) Osteopaths licensed under chapter 18.57 RCW;
- (16) Osteopathic physicians' assistants licensed under chapter 18.57A RCW;
- (17) Occupational therapists licensed under chapter 18.59 RCW;
- (18) Pharmacists licensed under chapter 18.64 RCW;
- (19) Pharmacy assistants licensed under chapter 18.64A RCW;
- (20) Physicians licensed under chapter 18.71 RCW;
- (21) Physicians' assistants licensed under chapter 18.71A RCW;
- (22) Emergency medical technicians licensed under chapter 18.73 RCW;
- (23) Physical therapists licensed under chapter 18.74 RCW;
- (24) Practical nurses licensed under chapter 18.78 RCW;
- (25) Psychologists licensed under chapter 18.83 RCW;
- (26) Registered nurses licensed under chapter 18.88 RCW;
- (27) Veterinarians licensed under chapter 18.92 RCW;
- (28) Massage operators licensed under chapter 18.108 RCW; and
- (29) Health care assistants licensed under chapter 18.135 RCW.

**NEW SECTION.** Sec. 3. A new section is added to chapter 70.160 RCW to read as follows:

(1) Residents of nursing homes are excluded from this chapter to the extent that nursing home administrators allow smoking in a resident's room or in a designated area.

(2) Patients in hospitals are excluded from this chapter to the extent that their physician and hospital administration allow smoking by the patient in a hospital room or a designated area.

**NEW SECTION.** Sec. 4. A new section is added to chapter 70.160 RCW to read as follows:

No school district board of directors may allow any student to smoke or otherwise use tobacco or tobacco products on the grounds of any common school, whether inside or outside a building.

Sec. 5. Section 7, chapter 236, Laws of 1985 and RCW 70.160.070 are each amended to read as follows:

(1) Any person intentionally violating this chapter by smoking in a public place not designated as a smoking area or any person removing, defacing, or destroying a sign required by this chapter is subject to a civil fine of up to one hundred dollars. Local law enforcement agencies shall enforce this section by issuing a notice of infraction to be assessed in the same manner as traffic infractions. The provisions contained in chapter 46.63 RCW for the disposition of traffic infractions apply to the disposition of infractions for violation of this subsection except as follows:

(a) The provisions in chapter 46.63 RCW relating to the provision of records to the department of licensing in accordance with RCW 46.20.270 are not applicable to this chapter; and

(b) The provisions in chapter 46.63 RCW relating to the imposition of sanctions against a person's driver's license or vehicle license are not applicable to this chapter.

The form for the notice of infraction for a violation of this subsection shall be prescribed by rule of the supreme court.

(2) When violations of RCW 70.160.040 ((or)), 70.160.050, section 2 of this act, or section 4 of this act occur, a warning shall first be given to the owner or other person in charge. Any subsequent violation is subject to a civil fine of up to one hundred dollars. Each day upon which a violation occurs or is permitted to continue constitutes a separate violation.

(3) Local fire departments or fire districts shall enforce RCW 70.160.040 ((or)), 70.160.050, and section 4 of this act regarding the duties of owners or persons in control of public places, and local health departments shall enforce RCW 70.160.040 ((or)), 70.160.050, or section 2 of this act regarding the duties of owners of health care facilities or restaurants by either of the following actions:

- (a) Serving notice requiring the correction of any violation; or

(b) Calling upon the city or town attorney or county prosecutor to maintain an action for an injunction to enforce RCW 70.160.040 (~~and~~), 70.160.050, section 2 of this act, and section 4 of this act to correct a violation, and to assess and recover a civil penalty for the violation."

#### POINT OF ORDER

Senator Bottiger: "Mr. President, I raise a point of order. The chairman of the committee has convinced me that the committee amendment expands the scope and object of the bill."

#### MOTION

On motion of Senator Bottiger, further consideration of Substitute House Bill No. 264 was deferred.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 325, by Committee on Education (originally sponsored by Representatives Ebersole, Betrozoff and Walk)

Providing for curriculum based assessment for bilingual education programs and programs for those with learning disabilities.

The bill was read the second time.

#### MOTIONS

On motion of Senator Gaspard, the following Committee on Education amendment was adopted:

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:

By July 1, 1989, the superintendent of public instruction shall complete a study and, as may be necessary, adopt rules providing for the appropriate use of curriculum-based assessment procedures as a component of assessment procedures provided by chapter 28A.13 RCW. School districts may use curriculum-based assessment procedures as measures for developing academic early intervention programs and curriculum planning: PROVIDED, That the use of curriculum-based assessment procedures shall not deny a student the right to an assessment to determine eligibility or participation in learning disabilities programs as provided by chapter 28A.13 RCW."

On motion of Senator Gaspard, the following title amendment was adopted:

On page 1, line 2 of the title, after "disabled" strike the remainder of the title and insert "programs; and adding a new section to chapter 28A.03 RCW."

#### MOTION

On motion of Senator Gaspard, the rules were suspended, Substitute House Bill No. 325, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 325, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 325, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDermott, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 46.

Excused: Senators Lee, McDonald, Rinehart - 3.

SUBSTITUTE HOUSE BILL NO. 325, 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.

## SECOND READING

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.

## MOTIONS

On motion of Senator Owen, the following Committee on Ways and Means amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 9, chapter 167, Laws of 1961 as last amended by section 79, chapter 57, Laws of 1985 and RCW 79.24.580 are each amended to read as follows:

After deduction for management costs as provided in RCW 79.64.040 and payments to towns under RCW 79.92.110(2), all moneys received by the state from the sale or lease of state-owned aquatic lands and from the sale of valuable material from state-owned aquatic lands shall be distributed as follows: (1) ~~((Forty percent))~~ To the state building bond redemption fund such amounts necessary to retire bonds issued pursuant to RCW 79.24.630 through 79.24.647 prior to January 1, 1987, and for which tide and harbor area revenues have been pledged, and (2) ~~all moneys not deposited for the purposes of subsection (1) of this section shall be deposited in the aquatic lands enhancement account which is hereby created in the state treasury. After appropriation, these funds shall be used solely for aquatic lands enhancement projects; for the purchase, improvement, or protection of aquatic lands for public purposes; for providing and improving access to such lands; and for volunteer cooperative fish and game projects~~ (- and (2) the remainder shall be deposited in the capitol purchase and development account in the state treasury which is hereby authorized or, in the event that revenue bonds are issued as authorized by RCW 79.24.630 through 79.24.647, into the state building bond redemption fund pursuant to RCW 79.24.630. All earnings of investments of balances in the aquatic lands enhancement account and the capitol purchase and development account shall be credited to the general fund).

NEW SECTION. Sec. 2. A new section is added to chapter 43.79 RCW to read as follows:

The capitol purchase and development account is hereby created in the state treasury.

NEW SECTION. Sec. 3. This act shall take effect July 1, 1989."

On motion of Senator Owen, the following title amendment was adopted:

On page 1, line 2 of the title, after "therefrom," strike the remainder of the title and insert "amending RCW 79.24.580; adding a new section to chapter 43.79 RCW; and providing an effective date."

## MOTION

On motion of Senator Owen, the rules were suspended, House Bill No. 551, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of House Bill No. 551, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on final passage of House Bill No. 551, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 41; nays, 5; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Deccio, DeJarnatt, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDermott, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Saling, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 41.

Voting nay: Senators Bottiger, Craswell, Fleming, Rasmussen, Sellar - 5.

Excused: Senators Lee, McDonald, Rinehart - 3.

HOUSE BILL NO. 551, 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.

## MOTION

On motion of Senator McDermott, the Senate advanced to the ninth order of business.

## MOTION FOR RECONSIDERATION

Having served prior notice, Senator McDermott moved that the Senate reconsider the vote by which Engrossed Substitute House Bill No. 26, as amended by the Senate, failed to pass the Senate April 14, 1987.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the motion by Senator McDermott to reconsider the vote by which Engrossed Substitute House Bill No. 26, as amended by the Senate, failed to pass the Senate.

The motion by Senator McDermott carried and the Senate will reconsider Engrossed Substitute House Bill No. 26, as amended by the Senate.

## MOTION

On motion of Senator McDermott, further consideration of Engrossed Substitute House Bill No. 26, as amended by the Senate, on reconsideration, was deferred.

There being no objection, the President Pro Tempore returned the Senate to the sixth order of business.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 646, by Committee on Human Services (originally sponsored by Representatives Brekke, Winsley, H. Sommers, R. King, Leonard and Sanders) (by request of Department of Social and Health Services)

Establishing an alcoholism and drug addiction treatment and shelter program.

The bill was read the second time.

## MOTION

Senator Wojahn moved that the following Committee on Ways and Means amendment be adopted:

Strike everything after the enacting clause and insert the following:

**NEW SECTION, Sec. 1.** This chapter may be cited as the alcoholism and drug addiction treatment and support act.

**NEW SECTION, Sec. 2.** The legislature finds:

(1) There is a need for reevaluation of state policies and programs regarding indigent alcoholics and drug addicts;

(2) The practice of providing a cash grant may be causing rapid caseload growth and attracting transients to the state;

(3) Many chronic public inebriates have been recycled through county detoxification centers repeatedly without apparent improvement;

(4) The assumption that all individuals will recover through treatment has not been substantiated;

(5) The state must modify its policies and programs for alcoholics and drug addicts and redirect its resources in the interests of these individuals, the community, and the taxpayers;

(6) Treatment resources should be focused on persons willing to commit to rehabilitation; and

(7) Shelter assistance is an essential service necessary to prevent homelessness and meet the basic needs of indigent alcoholics and drug addicts.

**NEW SECTION, Sec. 3.** Persons who are incapacitated from gainful employment due to alcoholism or drug addiction and who meet the eligibility requirements as established by rule by the department are eligible for special substance abuse programs as provided under this chapter. Eligible alcoholics and drug addicts shall have their needs addressed by the programs offered by the department of social and health services under this chapter and chapters 69.54 and 70.96A RCW.

**NEW SECTION, Sec. 4.** A program of treatment and shelter for alcoholics and drug addicts who meet the eligibility requirements is established within the department of social and health services. The eligibility requirements for the treatment and shelter program shall be the same as the eligibility requirements for the general assistance program as set forth in RCW 74.04.005. However, persons who are unemployable solely due to alcohol or drug addiction shall be eligible for services under this chapter, to the extent of available funds, instead of the general assistance—unemployable program. This program shall consist of:

(1) Client assessment services;

(2) A treatment program for alcoholics and drug addicts;

(3) A shelter program for indigent alcoholics and drug addicts;

(4) Assistance in making application for enrollment in the federal supplemental security income program under the social security administration act; and

(5) Medical care services as defined in RCW 74.09.010.

**NEW SECTION.** Sec. 5. (1) The department shall provide client assessment, treatment, and support services. The assessment services shall include diagnostic evaluation and arranging for admission into treatment or supported living programs.

(2) The department shall assist clients in making application for supplemental security benefits and in obtaining the necessary documentation required by the federal social security administration for such benefits.

**NEW SECTION.** Sec. 6. (1) The department shall provide alcohol and drug treatment services within available funds for indigent persons eligible under this chapter who are incapacitated from gainful employment due to drug or alcohol abuse or addiction. The treatment services may include but are not limited to:

(a) Intensive inpatient treatment services;

(b) Recovery house treatment;

(c) Outpatient treatment and counseling, including assistance in obtaining employment, and including a living allowance while undergoing outpatient treatment. The living allowance shall be administered on the clients' behalf by the outpatient treatment facility or other social service agency designated by the department. The department is authorized to pay the facility a fee for administering this allowance.

(2) No individual may receive treatment services under this section for more than six months in any two-year period: PROVIDED, That the department may approve additional treatment and/or living allowance as an exception.

**NEW SECTION.** Sec. 7. The department shall establish a shelter assistance program to ensure the availability of shelter for persons eligible under this chapter. The department may contract with counties and cities for such shelter services.

**NEW SECTION.** Sec. 8. (1) If a county elects to establish a multipurpose diagnostic center or detention center, the alcoholism and drug addiction assessment service under section 5 of this act may be integrated into the services provided by such a center.

(2) The center may be financed from funds made available by the department for alcoholism and drug addiction assessments under this chapter and funds contained in the department's budget for detoxification, involuntary detention, and involuntary treatment under chapters 70.96A and 71.05 RCW. The center may be operated by the county or pursuant to contract between the county and a qualified organization.

Sec. 9. Section 1, chapter 6, Laws of 1981 1st ex. sess. as last amended by section 2, chapter 335, Laws of 1985 and RCW 74.04.005 are each amended to read as follows:

For the purposes of this title, unless the context indicates otherwise, the following definitions shall apply:

(1) "Public assistance" or "assistance"—Public aid to persons in need thereof for any cause, including services, medical care, assistance grants, disbursing orders, work relief, general assistance and federal-aid assistance.

(2) "Department"—The department of social and health services.

(3) "County or local office"—The administrative office for one or more counties or designated service areas.

(4) "Director" or "secretary" means the secretary of social and health services.

(5) "Federal-aid assistance"—The specific categories of assistance for which provision is made in any federal law existing or hereafter passed by which payments are made from the federal government to the state in aid or in respect to payment by the state for public assistance rendered to any category of needy persons for which provision for federal funds or aid may from time to time be made, or a federally administered needs-based program.

(6) (a) "General assistance"—Aid to persons in need who:

(i) Are not eligible to receive federal-aid assistance, other than food stamps and medical assistance; however, an individual who refuses or fails to cooperate in obtaining federal-aid assistance, without good cause, is not eligible for general assistance: ((and))

(ii) Are either:

(A) Pregnant: PROVIDED, That need is based on the current income and resource requirements of the federal aid to families with dependent children program: PROVIDED FURTHER, That during any period in which an aid for dependent children employable program is not in operation, only those pregnant women who are categorically eligible for medicaid are eligible for general assistance; or

(B) Incapacitated from gainful employment by reason of bodily or mental infirmity that will likely continue for a minimum of sixty days as determined by the department: (~~PROVIDED: That persons in approved alcoholism or drug programs may be eligible for less than a sixty-day period in accordance with their plans~~), Persons who are unemployable due to alcohol or drug addiction are not eligible for general assistance. Persons receiving general assistance on the effective date of this 1987 section or becoming eligible for such assistance thereafter, due to an alcohol or drug-related incapacity, shall be referred to appropriate assessment, treatment, shelter, or supplemental security income referral services as authorized under chapter 74.—RCW (sections 1 through 8 of this 1987 act). Referrals shall be made at the time of application or

at the time of eligibility review. Alcoholic and drug addicted clients who are receiving general assistance on the effective date of this 1987 section may remain on general assistance if they otherwise retain their eligibility until they are assessed for services under chapter 74.--RCW (sections 1 through 8 of this 1987 act). This subsection (6)(a)(i)(B) shall not be construed to prohibit the department from granting general assistance benefits to alcoholics and drug addicts who are incapacitated due to other physical or mental conditions that meet the eligibility criteria for the general assistance program:

(iii) Are citizens or aliens lawfully admitted for permanent residence or otherwise residing in the United States under color of law; and

(iv) Have furnished the department their social security account number. If the social security account number cannot be furnished because it has not been issued or is not known, an application for a number shall be made prior to authorization of assistance, and the social security number shall be provided to the department upon receipt.

(b) Notwithstanding the provisions of subsection (6)(a)(i) ~~(and)~~, (ii), and (c) of this section, general assistance shall be provided to the following recipients of federal-aid assistance:

(i) Recipients of supplemental security income whose need, as defined in this section, is not met by such supplemental security income grant because of separation from a spouse; or

(ii) To the extent authorized by the legislature in the biennial appropriations act, to recipients of aid to families with dependent children whose needs are not being met because of a temporary reduction in monthly income below the entitled benefit payment level caused by loss or reduction of wages or unemployment compensation benefits or some other unforeseen circumstances. The amount of general assistance authorized shall not exceed the difference between the entitled benefit payment level and the amount of income actually received.

(c) General assistance shall be provided only to persons who are not members of assistance units receiving federal aid assistance, except as provided in subsection (6)(a)(ii)(A) and (b) of this section, and will accept available services which can reasonably be expected to enable the person to work or reduce the need for assistance unless there is good cause to refuse. Failure to accept such services shall result in termination until the person agrees to cooperate in accepting such services and subject to the following maximum periods of ineligibility after reapplication:

(i) First failure: One week;

(ii) Second failure within six months: One month;

(iii) Third and subsequent failure within one year: Two months.

(d) The department shall adopt by rule medical criteria for general assistance eligibility to ensure that eligibility decisions are consistent with statutory requirements and are based on clear, objective medical information.

(e) The process implementing the medical criteria shall involve consideration of opinions of the treating or consulting physicians or health care professionals regarding incapacity, and any eligibility decision which rejects uncontroverted medical opinion must set forth clear and convincing reasons for doing so.

(f) Recipients of general assistance who remain otherwise eligible shall not have their benefits terminated absent a clear showing of material improvement in their medical or mental condition or specific error in the prior determination that found the recipient eligible by reason of incapacitation.

(7) "Applicant"—Any person who has made a request, or on behalf of whom a request has been made, to any county or local office for assistance.

(8) "Recipient"—Any person receiving assistance and in addition those dependents whose needs are included in the recipient's assistance.

(9) "Standards of assistance"—The level of income required by an applicant or recipient to maintain a level of living specified by the department.

(10) "Resource"—Any asset, tangible or intangible, owned by or available to the applicant at the time of application, which can be applied toward meeting the applicant's need, either directly or by conversion into money or its equivalent: PROVIDED, That an applicant may retain the following described resources and not be ineligible for public assistance because of such resources.

(a) A home, which is defined as real property owned and used by an applicant or recipient as a place of residence, together with a reasonable amount of property surrounding and contiguous thereto, which is used by and useful to the applicant. Whenever a recipient shall cease to use such property for residential purposes, either for himself or his dependents, the property shall be considered as a resource which can be made available to meet need, and if the recipient or his dependents absent themselves from the home for a period of ninety consecutive days such absence, unless due to hospitalization or health reasons or a natural disaster, shall raise a rebuttable presumption of abandonment: PROVIDED, That if in the opinion of three physicians the recipient will be unable to return to the home during his lifetime, and the home is not occupied by a spouse or dependent children or disabled sons or daughters, such property shall be considered as a resource which can be made available to meet need.

(b) Household furnishings and personal effects and other personal property having great sentimental value to the applicant or recipient, as limited by the department consistent with limitations on resources and exemptions for federal aid assistance.

(c) A motor vehicle, other than a motor home, used and useful having an equity value not to exceed one thousand five hundred dollars.

(d) All other resources, including any excess of values exempted, not to exceed one thousand dollars or other limit as set by the department, to be consistent with limitations on resources and exemptions necessary for federal aid assistance.

(e) Applicants for or recipients of general assistance may retain the following described resources in addition to exemption for a motor vehicle or home and not be ineligible for public assistance because of such resources:

(i) Household furnishings, personal effects, and other personal property having great sentimental value to the applicant or recipient;

(ii) Term and burial insurance for use of the applicant or recipient;

(iii) Life insurance having a cash surrender value not exceeding one thousand five hundred dollars; and

(iv) Cash, marketable securities, and any excess of values above one thousand five hundred dollars equity in a vehicle and above one thousand five hundred dollars in cash surrender value of life insurance, not exceeding one thousand five hundred dollars for a single person or two thousand two hundred fifty dollars for a family unit of two or more. The one thousand dollar limit in subsection (10)(d) of this section does not apply to recipients of or applicants for general assistance.

(f) If an applicant for or recipient of public assistance possesses property and belongings in excess of the ceiling value, such value shall be used in determining the need of the applicant or recipient, except that: (i) The department may exempt resources or income when the income and resources are determined necessary to the applicant's or recipient's restoration to independence, to decrease the need for public assistance, or to aid in rehabilitating the applicant or recipient or a dependent of the applicant or recipient; and (ii) the department may provide grant assistance to persons who are otherwise ineligible because of excess real property owned by such persons when they are making a good faith effort to dispose of that property, but the recipient must sign an agreement to dispose of the property and repay assistance payments made to the date of disposition of the property which would not have been made had the disposal occurred at the beginning of the period for which the payments of such assistance were made. In no event shall such amount due the state exceed the net proceeds otherwise available to the recipient from the disposition, unless after nine months from the date of the agreement the property has not been sold, or if the recipient's eligibility for financial assistance ceases for any other reason. In these two instances the entire amount of assistance paid during this period will be treated as an overpayment and a debt due the state, and may be recovered pursuant to RCW 74.04.700.

(11) "Income"—(a) All appreciable gains in real or personal property (cash or kind) or other assets, which are received by or become available for use and enjoyment by an applicant or recipient during the month of application or after applying for or receiving public assistance: PROVIDED, That the department may by rule and regulation exempt income received by an applicant for or recipient of public assistance which can be used by him to decrease his need for public assistance or to aid in rehabilitating him or his dependents, but such exemption shall not, unless otherwise provided in this title, exceed the exemptions of resources granted under this chapter to an applicant for public assistance: PROVIDED FURTHER, That in determining the amount of assistance to which an applicant or recipient of aid to families with dependent children is entitled, the department is hereby authorized to disregard as a resource or income the earned income exemptions consistent with federal requirements: PROVIDED FURTHER, The department may permit the above exemption of earnings of a child to be retained by such child to cover the cost of special future identifiable needs even though the total exceeds the exemptions or resources granted to applicants and recipients of public assistance, but consistent with federal requirements. In formulating rules and regulations pursuant to this chapter, the department shall define income and resources and the availability thereof, consistent with federal requirements. All resources and income not specifically exempted, and any income or other economic benefit derived from the use of, or appreciation in value of, exempt resources, shall be considered in determining the need of an applicant or recipient of public assistance.

(b) If, under applicable federal requirements, the state has the option of considering property in the form of lump sum compensatory awards or related settlements received by an applicant or recipient as income or as a resource, the department shall consider such property to be a resource.

(12) "Need"—The difference between the applicant's or recipient's standards of assistance for himself and the dependent members of his family, as measured by the standards of the department, and value of all nonexempt resources and nonexempt income received by or available to the applicant or recipient and the dependent members of his family.



(13) In the construction of words and phrases used in this title, the singular number shall include the plural, the masculine gender shall include both the feminine and neuter genders and the present tense shall include the past and future tenses, unless the context thereof shall clearly indicate to the contrary.

Sec. 10. Section 74.08.280, chapter 26, Laws of 1959 as amended by section 328, chapter 141, Laws of 1979 and RCW 74.08.280 are each amended to read as follows:

If any person receiving public assistance ~~((is, on the testimony of reputable witnesses, found incapable of taking))~~ has demonstrated an inability to care ((of himself)) for oneself or ((his)) for money, the ((secretary)) department may direct the payment of the installments of public assistance to any responsible person, social service agency, or corporation or to a legally appointed guardian for his benefit((--PROVIDED, That)). The state may contract with persons, social service agencies, or corporations approved by the department to provide protective payee services for a fixed amount per recipient receiving protective payee services to cover administrative costs. The department may by rule specify a fee to cover administrative costs. Such fee shall not be withheld from a recipient's grant.

If the state requires the appointment of a guardian for this purpose, the department shall pay all costs and reasonable fees as fixed by the court.

Sec. 11. Section 74.09.010, chapter 26, Laws of 1959 as last amended by section 18, chapter 6, Laws of 1981 1st ex. sess. and RCW 74.09.010 are each amended to read as follows:

As used in this chapter:

- (1) "Department" means the department of social and health services.
- (2) "Secretary" means the secretary of social and health services.
- (3) "Internal management" means the administration of medical assistance, medical care services, and the limited casualty program.
- (4) "Medical assistance" means the federal aid medical care program provided to categorically needy persons as defined under Title XIX of the federal social security act.
- (5) "Medical care services" means the limited scope of care financed by state funds and provided to general assistance recipients, and recipients of alcohol and drug addiction services provided under chapter 74.-- RCW (sections 1 through 8 of this 1987 act).
- (6) "Limited casualty program" means the medical care program provided to medically needy persons as defined under Title XIX of the federal social security act, and to medically indigent persons who are without income or resources sufficient to secure necessary medical services.
- (7) "Nursing home" means nursing home as defined in RCW 18.51.010.

Sec. 12. Section 19, chapter 6, Laws of 1981 1st ex. sess. as last amended by section 1, chapter 5, Laws of 1985 and RCW 74.09.035 are each amended to read as follows:

(1) To the extent of available funds, medical care services may be provided to recipients of general assistance, and recipients of alcohol and drug addiction services provided under chapter 84.-- RCW (sections 1 through 8 of this 1987 act), in accordance with medical eligibility requirements established by the department.

(2) Determination of the amount, scope, and duration of medical care services shall be limited to coverage as defined by the department, except that adult dental, and routine foot care shall not be included unless there is a specific appropriation for these services.

(3) The department shall establish standards of assistance and resource and income exemptions, which may include deductibles and co-insurance provisions. In addition, the department may include a prohibition against the voluntary assignment of property or cash for the purpose of qualifying for assistance.

(4) Residents of skilled nursing homes, intermediate care facilities, and intermediate care facilities for the mentally retarded who are eligible for medical care services shall be provided medical services to the same extent as provided to those persons eligible under the medical assistance program.

(5) Payments made by the department under this program shall be the limit of expenditures for medical care services solely from state funds.

(6) Eligibility for medical care services shall commence with the date of certification for general assistance or the date of eligibility for alcohol and drug addiction services provided under chapter 74.-- RCW (sections 1 through 8 of this 1987 act).

NEW SECTION. Sec. 13. Sections 1 through 8 of this act shall constitute a new chapter in Title 74 RCW.\*

#### MOTION

Senator Talmadge moved that the following amendment by Senators Talmadge, Newhouse, Halsan and Nelson to the Committee on Ways and Means amendment be adopted:

On page 20, after line 15 of the amendment, insert the following:

\*Sec. 14. 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 16, 18, and 20 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 16, 18, and 20 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. 15. 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. 16. 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. 17. 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. 18. 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. 19. 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. 20. 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. 21. Section 2, chapter 119, Laws of 1974 ex. sess. and RCW 48.21.170 are each repealed.

NEW SECTION, Sec. 22. 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.

NEW SECTION, Sec. 23. Sections 14 through 21 of this act shall take effect on January 1, 1988."

#### POINT OF INQUIRY

Senator Newhouse: "Senator Talmadge, if we enact this amendment to Substitute House Bill No. 646, will we create a new mandated benefit for treatment of dependency on a controlled substance?"

Senator Talmadge: "No, Senator Newhouse, this amendment does not create a new mandated benefit, but expands that benefit that already exists to drugs. Existing law mandates coverage for the treatment of alcoholism. This amendment recognizes that many persons are dependent on both alcohol and drugs. Sections 14 through 20 of Substitute House Bill No. 646 redefine the present mandate, eliminates the stacking of benefits and provides that both alcoholism and drug dependency benefits will be coordinated. The existing regulations defined in the minimum insurance coverage should apply with the expanded benefit."

#### POINT OF ORDER

Senator West: "Mr. President, a point of order. I believe that this amendment expands the scope and object of this bill. The basic bill deals with the GAU program and this deals with an insurance program, so it is obviously beyond the scope of the bill."

Further debate ensued.

#### MOTION

On motion of Senator Vognild, further consideration of Substitute House Bill No. 646 was deferred.

#### SECOND READING

HOUSE BILL NO. 770, by Representatives Ebersole, Berozoff, 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.

#### MOTION

On motion of Senator Gaspard, the rules were suspended, House Bill No. 770 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of House Bill No. 770.

#### ROLL CALL

The Secretary called the roll on final passage of House Bill No. 770 and the bill passed the Senate by the following vote: Yeas, 43; nays, 3; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Haisan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McDermott, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen,

Rasmussen, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 43.

Voting nay: Senators Craswell, McCaslin, Metcalf - 3.

Excused: Senators Lee, McDonald, Rinehart - 3.

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.

President Cherberg assumed the chair.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 786, by Committee on Education (originally sponsored by Representatives Pruitt, L. Smith, Ebersole, Walker, Spanel, Rasmussen, Sprengle, 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.

## MOTIONS

Senator Gaspard moved that the following Committee on Education amendment be adopted:

Strike everything after the enacting clause and insert the following:

**NEW SECTION.** Sec. 1. The legislature recognizes its obligation to the taxpayers of the state of Washington to ensure efficiency and accountability in the common school system established under Article IX, section 1 of the state Constitution. The legislature further recognizes the importance and value of continually seeking ways in which to shape provisions of state statutes and regulations to enhance the development of local educational delivery systems characterized by diversity and centered around students' individual educational needs and learning styles.

The legislature finds that an appropriate next step in exploring ways to grant districts greater flexibility and control over the development of the process and content of local educational programs, while honoring legal requirements and respecting citizens' demands for accountability, is to investigate the development and field testing of the use of educational outcomes and measures of educational outcomes.

**NEW SECTION.** Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 1 through 10 of this act.

(1) "Goals" or "state goals" means the goals adopted by the state board of education relating to those skills considered to be important for students to develop and acquire through the common school system, and in particular shall include goals addressing the following:

(a) Basic academic skills, including higher order thinking skills and subject matter knowledge;

(b) Vocational skills, including an understanding about the importance of personal economic responsibility;

(c) Communication and citizenship skills; and

(d) Personal growth and development skills.

(2) "Educational outcomes" means expected levels of student performance and achievement to meet identified state goals.

(3) "Indicators" means factors that may bear a relationship to student capabilities and that can be used to help assess students' progress toward achieving identified educational outcomes.

**NEW SECTION.** Sec. 3. (1) The superintendent of public instruction shall establish a temporary committee on the assessment and accountability of educational outcomes.

(2) The committee shall be composed of:

(a) The superintendent of public instruction who shall serve as the chair of the committee;

(b) A member of the state board of education other than the superintendent of public instruction;

(c) One member representing the office of the governor and appointed by the governor;

(d) Three teachers, one each representing elementary schools, middle or junior high schools, and senior high schools;

(e) Three principals, one each representing elementary schools, middle or junior high schools, and senior high schools;

(f) Two school directors, one each representing a first class school district and a second class school district;

(g) Two superintendents, one each representing a first class school district and a second class school district;

(h) One member representing educational service districts;

(i) One member representing business;

- (j) One member representing labor;
- (k) One member representing vocational education;
- (l) One member representing citizens;
- (m) One member representing parents;
- (n) One member representing students; and

(o) Four legislators. The speaker of the house of representatives shall appoint one member from each caucus of the house of representatives. The president of the senate shall appoint one member from each caucus of the senate.

(3) All committee members shall be determined within thirty days of the effective date of this section.

(4) Legislative members of the temporary committee shall be reimbursed for travel expenses under RCW 44.04.120. Nonlegislative members shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060.

**NEW SECTION.** Sec. 4. The temporary committee established under section 3 of this act shall have the following responsibilities:

(1) To develop by December 1, 1988, educational outcomes for the state goals defined under section 2 of this act. The committee may develop educational outcomes for each of the grade levels kindergarten through grade twelve or for groupings of grade levels, or both, or for particular age levels or age groups, or both.

(2) To develop by December 1, 1988, measures of educational outcomes.

In developing these measures the committee is encouraged both to study various means of assessing a school's or school district's progress in achieving the state goals defined under section 2 of this act and to prepare an analysis of the validity, reliability, and effectiveness of various indicators of the educational outcomes. Indicators may include but are not limited to: Student achievement; attendance and dropout rates; instructional effectiveness; perceptions of school; school environment; student characteristics including socioeconomic backgrounds; and the effective application of resources.

The measures shall assess the educational outcomes on a district-wide basis and should permit building-by-building comparisons. To the extent possible, the measures shall be developed to use at least the state-wide fourth, eighth, and tenth grade tests established under RCW 28A.03.360(2), (3), and (4), the state eleventh grade test established under RCW 28A.03.360(5), and, if appropriate, the Washington life skills test established under RCW 28A.03.370. The measures should also, to the extent possible, permit districts to incorporate them into any local second grade testing program encouraged pursuant to RCW 28A.03.360(1).

(3) The committee may, at its discretion, study the relationship between current provisions of state statutes and regulations and the educational outcomes developed under subsection (1) of this section, and the educational, fiscal and legal impacts upon achieving the educational outcomes by waiving for schools or school districts, on a voluntary or involuntary and temporary or permanent basis, existing provisions of state statutes and regulations, including but not limited to: Compulsory courses and graduation requirements under chapter 28A.05 RCW; program hour offerings under RCW 28A.58.754(2); teacher contact hours under RCW 28A.41.140; the ratio of students per classroom teacher under RCW 28A.41.130; student learning objectives under RCW 28A.58.090; and the length of the school year.

**NEW SECTION.** Sec. 5. The superintendent of public instruction shall report by January 1, 1989, to the education committees of the house of representatives and the senate on the educational outcomes and related measures developed by the temporary committee pursuant to section 4 of this act.

**NEW SECTION.** Sec. 6. (1) The superintendent of public instruction may accept, receive, and administer such gifts, grants, and contributions as may be expressly provided from public or private sources for the purpose of supporting the work of the temporary committee on the assessment and accountability of educational outcomes as required under section 4 of this act.

(2) The educational outcomes assessment account is hereby established in the custody of the state treasurer. The superintendent of public instruction shall deposit in the account all moneys received under this section. Moneys in the account may be spent only for the purpose of supporting the work of the temporary committee on the assessment and accountability of educational outcomes.

**NEW SECTION.** Sec. 7. (1) The superintendent of public instruction may select up to ten school districts, from among districts interested and submitting written grant applications, to field test the educational outcomes and related measures developed pursuant to section 4 of this act.

(2) The superintendent shall select the school districts by June 30, 1989, and the field tests shall begin with the 1989-90 school year and conclude at the end of the 1992-93 school year.

(3) Each selected school district shall submit annually to the superintendent of public instruction a report on its field test project.

(4) The superintendent of public instruction shall report to the legislature by January 1, 1994, on the results of the field tests of the educational outcomes and related measures. The report shall include a recommendation on whether the outcomes and related measures should

be implemented on a state-wide basis. The report shall also include, if the educational outcomes and related measures are judged to be beneficial, a recommendation on whether selected provisions of state statutes or regulations should be amended or repealed if such action would enhance the benefits of the educational outcomes and related measures.

**NEW SECTION.** Sec. 8. The superintendent of public instruction shall adopt rules as necessary to carry out the purposes of sections 2 through 7 of this act.

**NEW SECTION.** Sec. 9. No provision of this act may prohibit a school district from incorporating the educational outcomes and related measures as part of a schools for the twenty-first century pilot project.

**NEW SECTION.** Sec. 10. Teachers are encouraged to apply for funds under the state grant program for school improvement and research projects to develop innovative ways in which to achieve the educational outcomes and to meet both state goals and building-level goals identified under the state required school self-study process.

**NEW SECTION.** Sec. 11. (1) Section 3 of this act shall expire December 2, 1988.

(2) Sections 1, 2 and 4 through 6 of this act shall expire June 30, 1989.

(3) Sections 7 through 10 of this act shall expire January 2, 1994.

**NEW SECTION.** Sec. 12. The sum of forty-nine thousand five hundred 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. 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 motion of Senator Gaspard, the following amendment to the Committee on Education amendment was adopted:

On page 4, line 13 of the committee amendment after "within" strike "thirty" and insert "sixty"

The President declared the question before the Senate to be adoption of the Committee on Education amendment, as amended.

The motion by Senator Gaspard carried and the committee amendment, as amended, was adopted.

#### MOTION

On motion of Senator Gaspard, the rules were suspended. Substitute House Bill No. 786, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Anderson: "Senator Gaspard, perhaps with the many education bills before us this session, you could explain a little bit to the members who haven't heard all of them as thoroughly as you have. Could you explain the difference between this bill and the Governor's 21st Century School request for the pilot projects to do innovative things. The titles seem to be very similar. This one encourages the measurement of innovative programs by districts. How does that differ from the other Governor's request bill that we had before us?"

Senator Gaspard: "Yes, Senator Anderson, the bill that you are referring to is the Governor's request bill under the title of House Bill No. 456. That will probably be taken up—excuse me, I take that back, the bill you are referring to has passed this Senate and has also passed the House and I think we are in some bit of disagreement, but not on the Schools of the 21st Century. The Schools of the 21st Century really permits the restructuring of local education systems in developing pilot projects and specific waivers that apply now to school districts. This is patterned after the Mountlake experience and other school districts that have looked at ways of providing more staff into the classroom, for example, and have asked for waivers from contact hours and program offerings. In other words, we are looking for some experimental programs.

"In the bill that's before us, we've asked the advisory committee and the State Board of Education to develop and field test some educational outcomes. In other words, to develop a means to assess how well, for example, the current system is working and there are no waivers asked in this bill. It is just a different way of looking at education and trying to say, what do we expect of the education system other than, possibly, the grades that we give the students, or the advancement from grade to grade."

Senator Anderson: "May I continue? Senator Gaspard, in the committee amendment that we just adopted, I read in the bill report that the committee may, at its discretion, study the impact upon achieving education outcomes by waiving certain provisions among them, graduation requirements, program offerings, contact hours. What this sounds like is the exact same things that you mentioned in the 21st Century Bill."

Senator Gaspard: "Yes, but in this bill the difference is that these programs may be waived at the discretion of the State Board of Education. They are authorized, but they are not required to, and we've asked the advisory board to advise the State Board whether or not to make these types of recommendations. Under the Schools of the 21st Century, the whole program is dependent on granting of waivers. That program--the Schools of the 21st Century cannot operate without waivers being granted. The impact and what the objectives are, are different."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 786, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 786, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 33; nays, 13; absent, 1; excused, 2.

Yoting yea: Senators Bailey, Bauer, Bender, Bluechel, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Moore, Nelson, Newhouse, Owen, Peterson, Pullen, Rasmussen, Saling, Sellar, Smitherman, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wofahn - 33.

Voting nay: Senators Anderson, Barr, Benitz, Cantu, Craswell, Deccio, McCaslin, McDonald, Metcalf, Patterson, Stratton, Tanner, Zimmerman - 13.

Absent: Senator McDermott - 1.

Excused: Senators Lee, Rinehart - 2.

SUBSTITUTE HOUSE BILL NO. 786, 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.

#### MOTION

On motion of Senator Bender, Senators McDermott and Moore were excused.

#### SECOND READING

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.

#### MOTION

Senator Garrett moved that the following amendment be adopted:

On page 1, after line 18, insert the following:

"Sec. 2. Section 3, chapter 95, Laws of 1963 and RCW 41.14.100 are each amended to read as follows:

An applicant for a position of any kind under civil service ((:)) must be ~~((a citizen of the United States, who can))~~ able to read and write the English language. An alien shall be permitted to be an applicant if he or she subscribes to an oath or affirmation in writing as follows: I do solemnly swear (or affirm) that I will support the Constitution and laws of the state of Washington; that I do not advocate the overthrow, destruction, or alteration of the Constitutional form of government of the United States or of the state of Washington or any political subdivision of either of them."

Remember the remaining section consecutively

#### POINT OF INQUIRY

Senator Deccio: "Senator Garrett, is there any provision that would require he was only able to remain in that status for a short period of time? If we pass this, would that mean that any alien, any where in the state would be able to apply for a like position--remain in that status even though they never became a citizen?"

Senator Garrett: "Well, there is no restriction that they would have to ever become a citizen, but if they became a deputy sheriff they would certainly have to

be a pretty upright and outstanding individual. That would be a friendly amendment. Senator Deccio, if you would like to put something like that in it."

Senator Deccio: "Well, that would take a little time to do it. I guess where I am coming from on this one is, my father came here many, many years ago and he was not able to read or write very well, because he left the old country at a very young age and they had indenture systems in those days and he never had a chance to go to school. Consequently, my father who was a successful farmer and never spent a day in jail for anything, never broke the law or whatever, always paid his bills, never got on public assistance, but was never able to vote because he could not pass the test to become a citizen. I guess that's always stuck with me and that may not bother you in your area, but over in our area where we have almost a third of Yakima County that are aliens--not a third, I am probably exaggerating--but it's probably at least twenty or twenty-five percent that would be eligible under this law that you want to take care of one person. My father was very frustrated by the fact that he could never vote and now we are saying that an illegal alien can take a position of public trust and never have to become an American citizen. I guess I know what you want to do, but I'll just have to vote against it."

Further debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Garrett.

The motion by Senator Garrett carried and the amendment was adopted.

#### MOTIONS

On motion of Senator Garrett, the following title amendment was adopted:  
On page 1, line 2 of the title, after "41.14.010" insert "and 41.14.100"

On motion of Senator Halsan, the rules were suspended, House Bill No. 816, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Deccio: "Senator Garrett, I probably should have responded to your offer before and I would like to respond to that offer now that we move the bill back to second reading and work up some language which would require such a person to attain citizenship within a short period of time. Otherwise, I think I will have to vote against the bill."

Senator Garrett: "Well, in the interest of time, Senator Deccio, I think maybe we should just vote on the bill."

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 816, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of House Bill No. 816, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 25; nays, 18; absent, 2; excused, 4.

Voting yea: Senators Barr, Bauer, Bluechel, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kiskaddon, Kreidler, McCaslin, McDonald, Owen, Peterson, Rasmussen, Smitherman, Stratton, Talmadge, Tanner, Warnke, Williams, Wojahn - 25.

Voting nay: Senators Anderson, Bailey, Benitz, Bottiger, Cantu, Deccio, Hayner, Johnson, Nelson, Newhouse, Patterson, Pullen, Saling, Sellar, Vogt, von Reichbauer, West, Zimmerman - 18.

Absent: Senators Bender, Metcalf - 2.

Excused: Senators Lee, McDermott, Moore, Rinehart - 4.

HOUSE BILL NO. 816, 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.

President Pro Tempore Rasmussen assumed the chair.



## SECOND READING

ENGROSSED 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.

## MOTION

Senator Halsan moved that the following amendment by Senators Halsan and Anderson be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that the unavailability of capital to viable firms that do not meet current commercial bank or venture capital criteria for loans or equity investments can have a devastating impact on the state's economic development efforts. Without reasonable access to financing, talented and aggressive entrepreneurs are cut out of the economic system and the overall economy of the state suffers.

The process of job creation and economic development requires readily available capital for small and young companies that are the major source of innovations and new jobs. To ensure the availability of capital to entrepreneurs in Washington state, the legislature hereby eliminates unnecessary restrictions which have discouraged the formation of industrial development corporations under current law and adds incentives to encourage the formation of such corporations.

Sec. 2. Section 1, chapter 162, Laws of 1963 and RCW 31.24.010 are each amended to read as follows:

((As used in this chapter, the following words and phrases, unless differently defined or described, shall have the meanings and references as follows)) Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter:

(1) Corporation means a Washington business and industrial development corporation created under this chapter.

(2) Financial institution means any banking corporation or trust company, national banking association, savings and loan association, insurance company or related corporation, partnership, foundation, or other institution engaged primarily in lending or investing funds.

(3) ((Member means any financial institution authorized to do business within this state which shall undertake to lend money to a corporation created under this chapter, upon its call; and in accordance with the provisions of this chapter:

(4))) Board of directors means the board of directors of the corporation created under this chapter.

((((5))) (4) Loan limit means for any ((member)) financial institution, the maximum amount permitted to be outstanding at one time on loans made by such ((member)) financial institution to the corporation, as determined under the provisions of this chapter.

(5) Business 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, and paying more than fifty percent of its contributions or payments for the purposes of unemployment insurance to this state.

(6) Associate means, if used with respect to a corporation:

(a) A controlling person, director, officer, agent, or advisor of that corporation.

(b) A director, officer, or partner of a person referred to in (a) of this subsection.

(c) A person who controls, is controlled by, or is under common control with a person referred to in (a) of this subsection directly or indirectly through one or more intermediaries.

(d) Any close relative of any person referred to in (a) of this subsection.

(e) A person of which a person referred to in (a) through (d) of this subsection is a director or officer.

(f) A person in which a person referred to in (a) through (d) of this subsection, or any combination of those persons acting in concert, owns or controls, directly or indirectly, a twenty percent or greater equity interest.

For the purposes of this subsection (6)(f), a person who is in a relationship referred to in this subsection within six months before or after a corporation provides financing assistance shall be considered to be in that relationship as of the date that corporation provides that financing assistance.

If a corporation, in order to protect its interests, designates a person to serve as a director of, officer of, or in any capacity in the management of a business to which that corporation provides financing assistance, that person shall not, on that account, be considered to have a relationship with that business. This exception does not apply if the person has, directly or indirectly, any other financial interest in the business or if the person, at any time before the corporation provides the financing assistance, served as a director of, officer of, or in any other capacity in the management of the business for a period of thirty days or more.

(7) Close relative means a parent, child, sibling, spouse, father-in-law, mother-in-law, son-in-law, brother-in-law, daughter-in-law, or sister-in-law.

Sec. 3. Section 2, chapter 162, Laws of 1963 as amended by section 1, chapter 16, Laws of 1974 ex. sess. and RCW 31.24.020 are each amended to read as follows:

~~((Fifteen))~~ Seven or more persons, a majority of whom shall be residents of this state, who may desire to create ~~((an))~~ a business and industrial development corporation under the provisions of this chapter, for the purpose of promoting, developing and advancing the prosperity and economic welfare of the state and, to that end, to exercise the powers and privileges hereinafter provided, may be incorporated by filing in the office of the secretary of state, as hereinafter provided, articles of incorporation. The articles of incorporation shall contain:

(1) The name of the corporation, which shall include the words "Development Corporation of Washington."

(2) The location of the principal office of the corporation, but such corporation may have offices in such other places within the state as may be fixed by the board of directors.

~~(3) The purposes for which the corporation is founded, which shall be to ((promote, stimulate, develop and advance the business prosperity and economic welfare of Washington and its citizens; to encourage and assist through loans, investments or other business transactions in the location of new business and industry in this state and to rehabilitate and assist existing business and industry; to stimulate and assist in the expansion of all kinds of business activity which will tend to promote the business development and maintain the economic stability of this state, provide maximum opportunities for employment, encourage thrift, and improve the standard of living of citizens of this state; similarly, to cooperate and act in conjunction with other organizations, public or private, in the promotion and advancement of industrial, commercial, agricultural and recreational developments in this state; and to provide financing for the promotion, development, and conduct of all kinds of business activity in this state)) provide financing and management assistance to businesses operating primarily in Washington state to increase job opportunities for Washington citizens and the prosperity of the state.~~

(4) The names and post office addresses of the members of the first board of directors, who, unless otherwise provided by the articles of incorporation or the bylaws, shall hold office for the first year of existence of the corporation or until their successors are elected and have qualified.

(5) Any provision which the incorporators may choose to insert for the regulation of the business and for the conduct of the affairs of the corporation and any provision creating, dividing, limiting and regulating the powers of the corporation, the directors, stockholders or any class of the stockholders, including, but not limited to a list of the officers, and provisions governing the issuance of stock certificates to replace lost or destroyed certificates.

(6) The amount of authorized capital stock and the number of shares into which it is divided, the par value of each share and the amount of capital with which it will commence business and, if there is more than one class of stock, a description of the different classes; the names and post office addresses of the subscribers of stock and the number of shares subscribed by each. The aggregate of the subscription shall be the minimum amount of capital with which the corporation shall commence business which shall not be less than ~~((fifty thousand))~~ one million dollars, except as otherwise provided in this chapter. The articles of incorporation may also contain any provision consistent with the laws of this state for the regulation of the affairs of the corporation.

(7) The articles of incorporation shall be in writing, subscribed by not less than five natural persons competent to contract and acknowledged by each of the subscribers before an officer authorized to take acknowledgments and filed in the office of the secretary of state for approval. A duplicate copy so subscribed and acknowledged may also be filed.

(8) The articles of incorporation shall recite that the corporation is organized under the provisions of this chapter.

The secretary of state shall not approve articles of incorporation for a corporation organized under this chapter until ~~((a total of at least ten national banks, state banks, savings banks, industrial savings banks, federal savings and loan associations, domestic building and loan associations, or insurance companies authorized to do business within this state, or any combination thereof, have agreed in writing to become members of said corporation; and said written agreement shall be filed with the secretary of state with the articles of incorporation and the filing of same shall be a condition precedent to the approval of the articles of incorporation by the secretary of state))~~ the state supervisor of banking has certified the corporation as eligible to operate as a business and industrial development corporation under this chapter. A corporation shall be certified by the supervisor of banking as eligible to operate under this chapter upon meeting the following conditions:

(a) The corporation has paid a one thousand dollar certification fee to the state supervisor of banking;

(b) The corporation has submitted a business plan which includes at least three years of detailed financial projections and other relevant information;

(c) The corporation has provided information about the character and competence of each director and officer of the corporation; and

(d) The supervisor finds that the corporation will be run competently, will have a net worth and lendable funds sufficient to provide financing assistance, and that the directors and officers of the corporation have agreed to comply with the terms of this chapter. In making the finding under this subsection, the supervisor shall:

(1) Consult with the director of trade and economic development and the director of community development; and

(2) Require proof that the corporation will have a minimum net worth of one million dollars and an additional one million dollars in lendable funds or an enforceable pledge for one million dollars in lendable funds before providing financing assistance unless the supervisor finds that special circumstances render lesser amounts adequate for the corporation to meet the intent of this chapter and operate according to its business plan.

Whenever the articles of incorporation shall have been filed in the office of the secretary of state and approved by ~~((him))~~ the secretary and all taxes, fees and charges, have been paid, as required by law, the subscribers, their successors and assigns shall constitute a corporation, and said corporation shall then be authorized to commence business, and stock thereof to the extent herein or hereafter duly authorized may from time to time be issued.

Sec. 4. Section 3, chapter 162, Laws of 1963 as last amended by section 42, chapter 466, Laws of 1985 and RCW 31.24.030 are each amended to read as follows:

The business of a corporation shall be to provide financing and management assistance to businesses operating primarily in Washington state. In furtherance of its ~~((purposes))~~ business and in addition to the powers now or hereafter conferred on business corporations by the provisions of Title 23A RCW, ~~((the))~~ each corporation shall, subject to the restrictions and limitations herein contained, have the following powers:

(1) To elect, appoint and employ officers, agents and employees; to make contracts and incur liabilities for any of the purposes of the corporation ~~((PROVIDED: That the corporation shall not incur any secondary liability by way of guaranty or endorsement of the obligations of any person, firm, corporation, joint stock company, association or trust, or in any other manner)).~~

(2) To borrow money ~~((from its members and the small business administration and any other similar federal agency;))~~ for any of the purposes of the corporation; to issue therefor its bonds, debentures, notes or other evidence of indebtedness, whether secured or unsecured, and to secure the same by mortgage, pledge, deed of trust or other lien on its property, franchises, rights and privileges of every kind and nature or any part thereof or interest therein, without securing stockholder ~~((or member))~~ approval ~~((PROVIDED: That no loan to the corporation shall be secured in any manner unless all outstanding loans to the corporation shall be secured equally and ratably in proportion to the unpaid balance of such loans and in the same manner)).~~

(3) To make loans to any person, firm, corporation, joint-stock company, association or trust, and to establish and regulate the terms and conditions with respect to any such loans and the charges for interest and service connected therewith ~~((PROVIDED: That the corporation shall not approve any application for a loan unless and until the person applying for said loan shall show that he has applied for the loan through ordinary banking channels and that the loan has been refused by at least one bank or other financial institution)).~~

(4) To purchase, receive, hold, lease, or otherwise acquire, and to sell, convey, transfer, lease or otherwise dispose of real and personal property, together with such rights and privileges as may be incidental and appurtenant thereto and the use thereof, ~~((including, but not restricted to, any))~~ if the real or personal property is for the corporation's use in operating its business, or if the real or personal property is acquired by the corporation from time to time in the satisfaction of debts or enforcement of obligations.

(5) ~~((To acquire the good will, business, rights, real and personal property, and other assets, or any part thereof, or interest therein, of any persons, firms, corporations, joint-stock companies, associations or trusts, and to assume, undertake, or pay the obligations, debts and liabilities of any such person, firm, corporation, joint stock company, association or trust; to acquire improved or unimproved real estate for the purpose of constructing industrial plants or other business establishments thereon or for the purpose of disposing of such real estate to others for the construction of industrial plants or other business establishments; and to acquire, construct or reconstruct, alter, repair, maintain, operate, sell, convey, transfer, lease, or otherwise dispose of industrial plants or business establishments;))~~ To determine the form and the terms and conditions for financing assistance provided by the corporation to a business including, but not limited to forms such as loans; purchase of debt instruments; straight equity investments, such as purchase of common stock or preferred stock; debt with equity features such as warrants to purchase stock, convertible debentures, or receipt of a percent of net income or sales; royalty based financing; guaranteeing of debt; or leasing of property. A corporation may purchase securities of a business either directly or indirectly through an underwriter. A corporation may participate in the program of the small business administration pursuant to section 7(a) of the small business act, (Public Law 85-536, 15 U.S.C. Sec. 636(a)), or any other government program for which the corporation is eligible and which has as its function the provision or facilitation of financing or management assistance to businesses. If a corporation

participates in a program referred to in this section, the corporation shall comply with the requirements of that program. Financing assistance provided by a corporation to a business shall be for the business purposes of that business.

~~(6) (To acquire, subscribe for, own, hold, sell, assign, transfer, mortgage, pledge or otherwise dispose of the stock, shares, bonds, debentures, notes or other securities and evidences of interest in, or indebtedness of, any person, firm, corporation, joint stock company, association or trust, and while the owner or holder thereof to exercise all the rights, powers and privileges of ownership, including the right to vote thereon;) To provide management assistance to a business which may encompass both management or technical advice and management or technical services. Management assistance provided by a corporation to a business shall be for the business purposes of that business.~~

(7) To mortgage, pledge, or otherwise encumber any property, right or things of value, acquired pursuant to the powers contained in subsection~~(s)~~ (4)~~(c)~~ or (5)~~(c or (6))~~ of this section, as security for the payment of any part of the purchase price thereof.

(8) To cooperate with and avail itself of the facilities of the United States department of commerce, the department of trade and economic development, the department of community development, and any other similar state or federal governmental agencies; and to cooperate with and assist, and otherwise encourage organizations in the various communities of the state in the promotion, assistance and development of the business prosperity and economic welfare of such communities or of this state or of any part thereof.

(9) To make donations for charitable educational, research, or similar purposes.

(10) To do all acts and things necessary or convenient to carry out the powers expressly granted in this chapter.

Sec. 5. Section 4, chapter 162, Laws of 1963 and RCW 31.24.040 are each amended to read as follows:

Notwithstanding any rule or any provision of any general or special law or any provision in their respective charters, agreements of association, articles of organization or trust indentures:

~~((+)) Any person including all domestic corporations organized for the purpose of carrying on business within this state and further including without implied limitation public utility companies and insurance companies, and foreign corporations licensed to do business within this state, and all financial institutions as defined herein, and all trustees, are hereby authorized to acquire, purchase, hold, sell, assign, transfer, mortgage, pledge or otherwise dispose of any bonds, securities or other evidences of indebtedness created by, or the shares of the capital stock of, the corporation, and while owners of said stock to exercise all the rights, powers and privileges of ownership, including the right to vote thereon, all without the approval of any regulatory authority of the state except as otherwise provided in this chapter~~((--PROVIDED, That a financial institution which does not become a member of the corporation shall not be permitted to acquire any shares of the capital stock of the corporation;~~~~

~~(2) All financial institutions are hereby authorized to become members of the corporation and to make loans to the corporation as provided herein; and~~

~~(3) Each financial institution which becomes a member of the corporation is hereby authorized to acquire, purchase, hold, sell, assign, transfer, mortgage, pledge or otherwise dispose of, any bonds, securities or other evidences of indebtedness created by, or the shares of the capital stock of, the corporation, and while owners of said stock, to exercise all the rights, powers and privileges of ownership, including the right to vote thereon, all without the approval of any regulatory authority of the state. PROVIDED, That the amount of the capital stock of the corporation which may be acquired by any member pursuant to the authority granted herein shall not exceed ten percent of the loan limit of such member).~~

The amount of capital stock of the corporation which any ~~((member))~~ financial institution is authorized to acquire pursuant to the authority granted herein is in addition to the amount of capital stock in corporations which such ~~((member))~~ financial institution may otherwise be authorized to acquire.

Sec. 6. Section 5, chapter 162, Laws of 1963 as last amended by section 2, chapter 16, Laws of 1974 ex. sess. and RCW 31.24.050 are each amended to read as follows:

~~((Any financial institution may request membership in the corporation by making application to the board of directors on such form and in such manner as said board of directors may require, and membership shall become effective upon acceptance of such application by said board.))~~

Each ~~((member of the corporation shall))~~ financial institution which has agreed to make loans to the corporation as and when called upon by it to do so on such terms and other conditions as shall be approved from time to time by the board of directors, ~~((subject to the following conditions:~~

~~(1) All loan limits shall be established at the thousand dollar amount nearest to the amount computed in accordance with the provisions of this section;~~

~~(2) No loan to the corporation shall be made if immediately thereafter the total amount of the obligations of the corporation would exceed fifteen times the amount then paid in on the outstanding capital stock of the corporation;~~

~~(3)) shall do so if the total amount outstanding on loans to the corporation made by any ((member)) financial institution at any time, when added to the amount of the investment in the capital stock of the corporation then held by such ((member, shall)) financial institution, does not exceed(:~~

~~(a) Thirty percent of the total amount then outstanding on loans to the corporation by all members, including in said total amount outstanding, amounts validly called for loan but not yet loaned:~~

~~(b)) the following limit, to be determined ((as of the time such member becomes a member)) on the basis of the audited balance sheet of ((such member)) the financial institution at the close of its fiscal year immediately preceding its ((application for membership)) loan to or purchase of stock in the corporation, or thereafter on the basis of the preceding fiscal year, or in the case of an insurance company, its last annual statement to the state insurance commissioner; or thereafter on the basis of its last annual statement to the insurance commissioner(;;); Two and one-half percent of the capital and surplus of commercial banks and trust companies; one-half of one percent of the total outstanding loans made by savings and loan associations, and building and loan associations; two and one-half percent of the capital and unassigned surplus of stock insurance companies, except fire insurance companies; two and one-half percent of the unassigned surplus of mutual insurance companies, except fire insurance companies; one-tenth of one percent of the assets of fire insurance companies; and such limits as may be approved by the board of directors of the corporation for other financial institutions.~~

~~((4) Subject to subsection (3)(a) of this section, each call made by the corporation shall be prorated among the members of the corporation in substantially the same proportion that the adjusted loan limit of each member bears to the aggregate of the adjusted loan limits of all members. The adjusted loan limit of a member shall be the amount of such member's loan limit, reduced by the balance of outstanding loans made by such member to the corporation and the investment in capital stock of the corporation held by such member at the time of such call:~~

~~(5) All loans to the corporation by members shall be evidenced by bonds, debentures, notes, or other evidences of indebtedness of the corporation, which shall be freely transferable at all times, and which shall bear interest at a rate of not less than one-quarter of one percent in excess of the rate of interest determined by the board of directors to be the prime rate prevailing at the date of issuance thereof on unsecured commercial loans:))~~

Sec. 7. Section 7, chapter 162, Laws of 1963 and RCW 31.24.070 are each amended to read as follows:

The stockholders ~~((and the members))~~ of the corporation shall have the following powers of the corporation:

(1) To determine the number of and elect directors as provided in RCW 31.24.090;

(2) To make, amend and repeal bylaws;

(3) To amend this charter as provided in RCW 31.24.080;

(4) To dissolve the corporation as provided in RCW 31.24.150;

(5) To do all things necessary or desirable to secure aid, assistance, loans and other financing from any financial institutions, and from any agency established under the small business investment act of 1958, public law 85-699, 85th congress, or other similar federal laws now or hereafter enacted.

(6) To exercise such other of the powers of the corporation consistent with this chapter as may be conferred on the stockholders ~~((and the members))~~ by the bylaws.

As to all matters requiring action by the stockholders ~~((and the members))~~ of the corporation, said stockholders ~~((and said members))~~ shall vote separately thereon by classes, and, except as otherwise herein provided, such matters shall require the affirmative vote of a majority of the votes to which the stockholders present or represented at the meeting shall be entitled ~~((and the affirmative vote of a majority of the votes to which the members present or represented at the meeting shall be entitled)).~~

~~((Each))~~ Stockholders shall have one vote, in person or by proxy, for each share of capital stock held ~~((by him, and each member shall have one vote, in person or by proxy, except that any member having a loan limit of more than one thousand dollars shall have one additional vote, in person or by proxy, for each additional one thousand dollars which such member is authorized to have outstanding on loans to the corporation at any one time as determined under subsection (3)(b) of RCW 31.24.050)).~~

Sec. 8. Section 8, chapter 162, Laws of 1963 and RCW 31.24.080 are each amended to read as follows:

The articles of incorporation may be amended by the votes of the stockholders ~~((and the members of the corporation)),~~ voting separately by classes, and such amendments shall require approval by the affirmative vote of two-thirds of the votes to which the stockholders ~~((shall be entitled and two-thirds of the votes to which the members))~~ shall be entitled: PROVIDED, That no amendment of the articles of incorporation which is inconsistent with the general purposes expressed herein or which authorizes any additional class of capital stock to be issued, or which eliminates or curtails the right of the state supervisor of banking to examine

the corporation or the obligation of the corporation to make reports as provided in RCW 31.24.120, shall be made (~~(--PROVIDED, FURTHER, That no amendment of the articles of incorporation which increases the obligation of a member to make loans to the corporation, or makes any change in the principal amount, interest rate, maturity date, or in the security or credit position of an outstanding loan of a member to the corporation, or affects a member's right to withdraw from membership as provided herein, or affects a member's voting rights as provided herein, shall be made without the consent of each membership affected by such amendment))~~).

Within thirty days after any meeting at which an amendment of the articles of incorporation has been adopted, articles of amendment signed and sworn to by the president, treasurer, and a majority of the directors, setting forth such amendment and due adoption thereof, shall be submitted to the secretary of state, who shall examine them and if ~~(he)~~ the secretary finds that they conform to the requirements of this chapter, shall so certify and endorse his or her approval thereon. Thereupon, the articles of amendment shall be filed in the office of the secretary of state and no such amendment shall take effect until such articles of amendment shall have been filed as aforesaid.

Sec. 9. Section 9, chapter 162, Laws of 1963 as amended by section 3, chapter 16, Laws of 1974 ex. sess. and RCW 31.24.090 are each amended to read as follows:

The business and affairs of the corporation shall be managed and conducted by a board of directors, a president, a vice president, a secretary, a treasurer, and such other officers and such agents as the corporation by its bylaws shall authorize. The board of directors shall consist of such number, not less than ~~((eleven))~~ seven nor more than twenty-one, as shall be determined in the first instance by the incorporators and thereafter annually by ~~((the members and))~~ the stockholders of the corporation. The board of directors may exercise all the powers of the corporation except such as are conferred by law or by the bylaws of the corporation upon the stockholders ~~((or members))~~ and shall choose and appoint all the agents and officers of the corporation and fill all vacancies except vacancies in the office of director which shall be filled as hereinafter provided. The board of directors shall be elected in the first instance by the incorporators and thereafter at the annual meeting, the day and month of which shall be established by the bylaws of the corporations, or, if no annual meeting shall be held in the year of incorporation, then within ninety days after the approval of the articles of incorporation at a special meeting as hereinafter provided. ~~((At each annual meeting, or at each special meeting held as provided in this section, the members of the corporation shall elect two-thirds of the board of directors and the stockholders shall elect the remaining directors.))~~ The directors shall hold office until the next annual meeting of the corporation or special meeting held in lieu of the annual meeting after the election and until their successors are elected and qualified unless sooner removed in accordance with the provisions of the bylaws. Any vacancy in the office of a director ~~((elected by the members shall be filled by the directors elected by the members, and any vacancy in the office of a director elected by the stockholders))~~ shall be filled by the directors ~~((elected by the stockholders))~~.

Directors and officers shall not be responsible for losses unless the same shall have been occasioned by the wilful misconduct of such directors and officers.

Sec. 10. Section 10, chapter 162, Laws of 1963 and RCW 31.24.100 are each amended to read as follows:

Each year the corporation shall set apart as earned surplus not less than ten percent of its net earnings for the preceding fiscal year until such surplus shall be equal in value to ~~((one-half))~~ one-quarter of the amount paid in on the capital stock then outstanding. Whenever the amount of surplus established herein shall become impaired, it shall be built up again to the required amount in the manner provided for its original accumulation. Net earnings and surplus shall be determined by the board of directors, after providing for such reserves as said directors deem desirable, and the determination of the directors made in good faith shall be conclusive on all persons.

Sec. 11. Section 12, chapter 162, Laws of 1963 and RCW 31.24.120 are each amended to read as follows:

The corporation shall be examined at least once annually by the state supervisor of banking and shall make quarterly reports of its condition ~~((not less than annually))~~ to said state supervisor of banking and more frequently upon call of the state supervisor of banking, who in turn shall make copies of such reports available to the state insurance commissioner and the governor; and the corporation shall also furnish such other information as may from time to time be required by the state supervisor of banking and secretary of state. The corporation shall pay the actual cost of said examinations. The state supervisor of banking shall exercise the same power and authority over corporations organized under this chapter as is now exercised over banks and trust companies by the provisions of the Title 30 RCW, where the provisions of Title 30 RCW are not in conflict with this chapter. In adopting rules to govern examinations and reports of corporations operating under this chapter, the supervisor of banking shall consult with the director of trade and economic development and the director of community development. In regulating corporations under this chapter, the supervisor of banking shall not consider the risk of a provision of financing assistance to a business unless the

supervisor determines that the risk is so great compared with the realistically expected return as to constitute gross mismanagement.

The state supervisor of banking shall publish annually and provide to the senate and house commerce and labor committees and ways and means committees information on the impact of this chapter in promoting economic development in Washington. At the minimum, the information shall include aggregate statistics on each of the following:

(1) The number and locations of corporations operating under this chapter;  
(2) The number of instances and dollar amount of financing and management assistance given by corporations operating under this chapter to:

(a) All individual businesses assisted;

(b) Types of businesses classified using the standard industrial classification manual;

(c) Minority and women-owned businesses; and

(d) Businesses located in areas of high unemployment;

(3) The number of jobs created or retained by:

(a) All individual businesses assisted;

(b) Types of businesses classified using the standard industrial classification manual;

(c) Minority and women-owned businesses; and

(d) Businesses located in areas of high unemployment;

(4) The percentage of each business's total contributions or payments for unemployment insurance made to the state of Washington.

Sec. 12. Section 13, chapter 162, Laws of 1963 and RCW 31.24.130 are each amended to read as follows:

The first meeting of the corporation shall be called by a notice signed by three or more of the incorporators, stating the time, place and purpose of the meeting, a copy of which notice shall be mailed, or delivered, to each incorporator at least five days before the day appointed for the meeting. Said first meeting may be held without such notice upon agreement in writing to that effect signed by all the incorporators. There shall be recorded in the minutes of the meeting a copy of said notice or of such unanimous agreement of the incorporators.

At such first meeting, the incorporators shall organize by the choice, by ballot, of a temporary clerk; by the adoption of bylaws, by the election by ballot of directors; and by action upon such other matters within the powers of the corporation as the incorporators may see fit. The temporary clerk shall be sworn and shall make and attest a record of the proceedings. ((~~Fem~~)) Five of the incorporators shall be a quorum for the transaction of business.

NEW SECTION, Sec. 13. (1) The director of trade and economic development is authorized to provide technical assistance and advice to persons forming corporations under this chapter. In addition, the director may contract with corporations organized under this chapter. Each contract shall specify that the money received under the contract shall be used to provide management assistance, which may include management and technical advice and services and other technical support, to businesses receiving financing from the contracting corporation. No more than five corporations may contract with the department under this section at any time. No corporation may receive more than a total of two hundred fifty thousand dollars under this section.

(2) To qualify for a contract under this section, a corporation shall agree that at least one-half of the corporation's loans and investments will be to businesses that have agreed to enter first-source hiring agreements with the employment security department. These agreements shall require the businesses to interview prospective employees from a list supplied by the employment security department and hire any qualified candidates on the list before hiring any candidates not on the department's list.

(3) The department shall give priority in contracting to business and industrial development corporations which invest in distressed areas as defined in RCW 82.60.020(3) and may make allowances for any increased expenses which may attend providing management assistance in distressed areas. At least one of the first three contracts shall be reserved for a corporation which agrees to make at least one-half of its loans and investments to businesses operating in distressed areas.

(4) The director of trade and economic development shall adopt rules to carry out this section.

NEW SECTION, Sec. 14. (1) The employment security department shall enter into first-source hiring agreements with businesses securing financing assistance from corporations operating under this chapter upon the request of such businesses or corporations. The first-source hiring agreements shall require the business to:

(a) Provide a job description for each position;

(b) Provide a description of the skills each position requires;

(c) Provide a salary range for each position.

(2) The first-source hiring agreements shall require the employment security department to provide a list of candidates who have expressed interest in the available position and who meet the skill requirements of the position.

Sec. 15. Section 14, chapter 162, Laws of 1963 and RCW 31.24.140 are each amended to read as follows:

Unless otherwise provided in the articles of incorporation, the period of duration of the corporation shall be perpetual, subject, however, to the right of the stockholders (~~and the members~~) to dissolve the corporation prior to the expiration of said period as provided in RCW 31.24.150.

Sec. 16. Section 15, chapter 162, Laws of 1963 as amended by section 52, chapter 3, Laws of 1983 and RCW 31.24.150 are each amended to read as follows:

The corporation may upon the affirmative vote of two-thirds of the votes to which the stockholders shall be entitled (~~and two-thirds of the votes to which the member shall be entitled~~) dissolve said corporation as provided by Title 23A RCW, insofar as Title 23A RCW is not in conflict with the provisions of this chapter. Upon any dissolution of the corporation, none of the corporation's assets shall be distributed to the stockholders until all sums due the (~~members~~) ~~creditors of the corporation (as creditors thereof)~~ have been paid in full.

**NEW SECTION.** Sec. 17. A new section is added to chapter 82.04 RCW to read as follows:

(1) In computing tax for each of the fiscal years beginning July 1, 1987, and ending June 30, 1992, a credit may be claimed against the tax payable for the fiscal year under this chapter by any person investing in a business and industrial development corporation organized under chapter 31.24 RCW. The annual credit shall be the amount invested for the fiscal year by that person in such corporations multiplied by the percentage applicable for that fiscal year as follows:

<u>FISCAL YEAR</u>	<u>AMOUNT INVESTED</u>
1988	25%
1989	20%
1990	15%
1991	10%
1992	5%
1993	0%

(2) The amount of the annual credit allowed to a taxpayer under this section shall not exceed the amount of tax due under this chapter for the fiscal year: PROVIDED, That the total of the credits allowed for the fiscal year under this section and sections 18 and 19 of this act shall not exceed the applicable percentage of the amount invested for that fiscal year by the taxpayer. Credit is not allowed under this section against taxes accruing before July 1, 1987. To receive a credit under this section, a taxpayer shall apply to the department of revenue on such forms as the department may prescribe.

**NEW SECTION.** Sec. 18. A new section is added to chapter 82.16 RCW to read as follows:

(1) In computing tax for each of the fiscal years beginning July 1, 1987, and ending June 30, 1992, a credit may be claimed against the tax payable for the fiscal year under this chapter by any person investing in a business and industrial development corporation organized under chapter 31.24 RCW. The annual credit shall be the amount invested for the fiscal year by that person in such corporations multiplied by the percentage applicable for that fiscal year as follows:

<u>FISCAL YEAR</u>	<u>AMOUNT INVESTED</u>
1988	25%
1989	20%
1990	15%
1991	10%
1992	5%
1993	0%

(2) The amount of the annual credit allowed to a taxpayer under this section shall not exceed the amount of tax due under this chapter for the fiscal year: PROVIDED, That the total of the credits allowed for the fiscal year under this section and sections 17 and 19 of this act shall not exceed the applicable percentage of the amount invested for that fiscal year by the taxpayer. Credit is not allowed under this section against taxes accruing before July 1, 1987. To receive a credit under this section, a taxpayer shall apply to the department of revenue on such forms as the department may prescribe.

**NEW SECTION.** Sec. 19. A new section is added to chapter 48.14 RCW to read as follows:

(1) In computing tax for each of the fiscal years beginning July 1, 1987, and ending June 30, 1992, a credit may be claimed against the tax payable for the fiscal year under this chapter by any person investing in a business and industrial development corporation organized under chapter 31.24 RCW. The annual credit shall be the amount invested for the fiscal year by that person in such corporations multiplied by the percentage applicable for that fiscal year as follows:

<u>FISCAL YEAR</u>	<u>AMOUNT INVESTED</u>
1988	25%
1989	20%
1990	15%
1991	10%
1992	5%
1993	0%



(2) The amount of the annual credit allowed to a taxpayer under this section shall not exceed the amount of tax due under this chapter for the fiscal year: PROVIDED, That the total of the credits allowed for the fiscal year under this section and sections 17 and 18 of this act shall not exceed the applicable percentage of the amount invested for that fiscal year by the taxpayer. Credit is not allowed under this section against taxes accruing before July 1, 1987. To receive a credit under this section, a taxpayer shall apply to the department of revenue on such forms as the department may prescribe.

**NEW SECTION.** Sec. 20. (1) A corporation shall not provide, directly or indirectly, financing assistance to:

(a) An associate of the corporation;

(b) Discharge, or to free other money for use in discharging, in whole or in part, an obligation to an associate of that corporation. This section does not apply to a transaction effected by an associate of a corporation in the normal course of that associate's business involving a line of credit or short-term financing assistance.

(c) A business to which an associate of that corporation provides financing assistance, either contemporaneously with, or within one year before or after, the providing of financing assistance by the corporation, if the terms on which the corporation provides financing assistance are less favorable to the corporation than the terms on which the associate provides financing assistance to the business. If the financing assistance provided by the associate of the corporation is of a different kind from the financing assistance provided by the corporation, the burden shall be on the corporation to prove that the terms on which the corporation provided financing assistance were at least as favorable to the corporation as the terms on which the associate provided financing assistance to the business.

This subsection (1)(c) does not apply to any of the following:

(i) If the associate is a controlling person of the corporation and is also the only shareholder of the corporation;

(ii) If the associate is a subsidiary of the corporation; or

(iii) A transaction effected by an associate of a corporation in the normal course of that associate's business involving a line of credit or short-term financing assistance.

(2) For the purposes of this section and section 21 of this act:

(a) "Person" means an individual, proprietorship, joint venture, partnership, trust, business trust, syndicate, association, joint stock company, corporation, cooperative, government, agency of a government, or any other organization. If used with respect to acquiring control of or controlling a specified person, person includes a combination of two or more persons acting in concert;

(b) "Control" means, if used with respect to a specified person, the power to direct or cause the direction of, directly or indirectly through one or more intermediaries, the management and policies of that specified person, whether through the ownership of voting securities; by contract, other than a commercial contract for goods or nonmanagement services; or otherwise. A natural person shall not be considered to control a person solely on account of being a director, officer, or employee of that person. A person who, directly or indirectly, owns of record or beneficially holds with power to vote, or holds proxies with discretionary authority to vote, twenty percent or more of the then outstanding voting securities issued by a corporation shall be rebuttably presumed to control that corporation; and

(c) "Controlling person" means, if used with respect to a specified person, a person who controls that specified person, directly or indirectly through one or more intermediaries.

**NEW SECTION.** Sec. 21. An associate of a corporation shall not receive, directly or indirectly, from a person to whom that corporation provides financing assistance, compensation in connection with the providing of that financing assistance or anything of value for procuring, influencing, or attempting to procure or influence the corporation's action with respect to the providing of the financing assistance. This section does not apply to the receipt of fees by an associate of a corporation for bona fide closing services performed by that associate if all of the following are true:

(1) The associate, with the consent and knowledge of the person to whom the financing assistance is provided, is designated by the corporation to perform the services;

(2) The services are appropriate and necessary in the circumstances;

(3) The fees for the services are approved as reasonable by the corporation; and

(4) The fees for the services are collected by the corporation on behalf of the associate.

**NEW SECTION.** Sec. 22. Section 6, chapter 162, Laws of 1963 and RCW 31.24.060 are each repealed.

**NEW SECTION.** Sec. 23. Sections 13, 14, 20, and 21 of this act are each added to chapter 31.24 RCW.

**NEW SECTION.** Sec. 24. This chapter may be known and cited as the city and county seed capital pool act.

**NEW SECTION.** Sec. 25. 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. 26.** 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 or proposes to be engaged in research and development, in commercial product development, 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.

(5) "Public utility" means a public entity which provides water and/or sewer service.

**NEW SECTION, Sec. 27.** A city or county may create a local seed capital pool to provide funds in the form of loans or equity participation to finance new enterprises and product development by entrepreneurs, corporations, partnerships, or joint ventures located in the city or county. 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. 28.** 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. 29.** 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 public utility providing water distribution services and each public 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 public utility may charge the local seed capital pool the cost it has incurred in collecting and processing donations to the local seed capital pool.

**NEW SECTION, Sec. 30.** Sections 24 through 29 of this act shall constitute a new chapter in Title 36 RCW.

**NEW SECTION, Sec. 31.** 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."

Debate ensued.

The President Pro Tempore declared the question before the Senate to be adoption of the amendment by Senators Halsan and Anderson.

The motion by Senator Halsan carried and the amendment was adopted.

#### MOTIONS

Senator Halsan moved that the following title amendment be adopted:

On page 1, line 1 of the title, after "corporations;" strike the remainder of the title and insert "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 new sections to chapter 31.24 RCW; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.16 RCW; adding a new section to chapter 48.14 RCW; adding a new chapter to Title 36 RCW; creating a new section; repealing RCW 31.24.060; and prescribing penalties."

On motion of Senator Warnke, the rules were suspended. Engrossed House Bill No. 1124, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 1124, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 1124, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; nays, 1; absent, 1; excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Peterson, Rasmussen, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 43.

Voting nay: Senator Pullen - 1.

Absent: Senator Bender - 1.

Excused: Senators Lee, McDermott, Moore, Rinehart - 4.

ENGROSSED HOUSE BILL NO. 1124, 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.

President Cherberg assumed the chair.

#### NOTICE FOR RECONSIDERATION

Having voted on the prevailing side, Senator McDonald served notice that he would move to reconsider the vote by which House Bill No. 816, as amended by the Senate, passed the Senate earlier today.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1156, by Committee on Trade and Economic Development (originally sponsored by Representatives Vekich, Schoon and Cantwell)

Revising distressed area requirements in the community revitalization team program and the development loan fund program.

The bill was read the second time.

#### MOTIONS

On motion of Senator Warnke, the following Committee on Commerce and Labor amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 229, Laws of 1985 and RCW 43.165.010 are each amended to read as follows:

Unless the context clearly requires to the contrary, the definitions in this section apply throughout this chapter.

(1) "Department" means the department of community development.

(2) "Director" means the director of the department.

(3) "Distressed area" means: (a) A county that has an unemployment rate that is twenty percent above the state-wide average for the previous three years; or (b) a community or area that has experienced sudden and severe or long-term and severe loss of employment, or erosion of its economic base due to decline of its dominant industries; or (c) an area within a

county which area: (i) is composed of contiguous census tracts; (ii) has a minimum population of five thousand persons; (iii) has at least seventy percent of its families and unrelated individuals with incomes below eighty percent of the county's median income for families and unrelated individuals; and (iv) has an unemployment rate which is at least forty percent higher than the county's unemployment rate. For purposes of this definition, "families and unrelated individuals" has the same meaning that is ascribed to that term by the federal department of housing and urban development in its regulations authorizing action grants for economic development and neighborhood revitalization projects.

(4) "Economic development revolving loan funds" means a local, not-for-profit or governmentally sponsored business loan program.

(5) "Team" means the community revitalization team.

~~((5))~~ (6) "Technical assistance" includes, but is not limited to, assistance with strategic planning, market research, business plan development review, organization and management development, accounting and legal services, grant and loan packaging, and other assistance which may be expected to contribute to the redevelopment and economic well-being of a distressed area.

Sec. 2. Section 2, chapter 164, Laws of 1985 and RCW 43.168.020 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Committee" means the Washington state development loan fund committee.

(2) "Department" means the department of community development.

(3) "Director" means the director of the department of community development.

(4) "Distressed area" means: (a) A county which has an unemployment rate which is twenty percent above the state average for the immediately previous three years; or (b) ~~((a))~~ ~~an area within a county, which area: (i) is composed of contiguous census tracts; (ii) has a minimum population of five thousand persons; (iii) has at least seventy percent of its families and unrelated individuals with incomes below eighty percent of the county's median income for families and unrelated individuals; and (iv) has an unemployment rate which is at least forty percent higher than the county's unemployment rate. For purposes of this definition, "families and unrelated individuals" has the same meaning that is ascribed to that term by the federal department of housing and urban development in its regulations authorizing action grants for economic development and neighborhood revitalization projects.~~

(5) "Fund" means the Washington state development loan fund.

(6) "Local development organization" means a nonprofit organization which is organized to operate within ~~((a distressed))~~ an area, demonstrates a commitment to a long-standing effort for an economic development program, and makes a demonstrable effort to assist in the employment of unemployed or underemployed residents in ~~((a distressed))~~ an area.

(7) "Project" means the establishment of a new or expanded business in ~~((a distressed))~~ an area which when completed will provide employment opportunities. "Project" also means the retention of an existing business in ~~((a distressed))~~ an area which when completed will provide employment opportunities.

Sec. 3. Section 4, chapter 164, Laws of 1985 and RCW 43.168.040 are each amended to read as follows:

Subject to the restrictions contained in this chapter, the committee is authorized to approve applications of local governments for federal community development block grant funds which the local governments would use to make loans to finance business projects within ~~((distressed areas))~~ their jurisdictions. Applications approved by the committee under this chapter shall conform to applicable federal requirements.

Sec. 4. Section 5, chapter 164, Laws of 1985 as amended by section 2, chapter 204, Laws of 1986 and RCW 43.168.050 are each amended to read as follows:

(1) The committee may only approve an application providing a loan for a project which the committee finds:

(a) ~~((is located within a distressed area and may reasonably be expected to increase employment or maintain))~~ Will result in the creation of employment opportunities or the maintenance of threatened employment:

(b) Has been approved by the director as conforming to federal rules and regulations governing the spending of federal community development block grant funds;

(c) Will be of public benefit and for a public purpose, and that the benefits, including increased or maintained employment, improved standard of living, and the employment of disadvantaged workers, will primarily accrue to residents of the ~~((distressed))~~ area;

(d) Will probably be successful;

(e) Would probably not be completed without the loan because other capital or financing at feasible terms is unavailable or the return on investment is inadequate.

(2) The committee may not approve an application if it fails to provide for adequate reporting or disclosure of financial data to the committee. The committee may require an annual or other periodic audit of the project books.

(3) The committee may require that the project be managed in whole or in part by a local development organization and may prescribe a management fee to be paid to such organization by the recipient of the loan or grant.

(4) (a) Except as provided in (b) of this subsection, the committee shall not approve any application which would result in a loan or grant in excess of three hundred fifty thousand dollars.

(b) The committee may approve an application which results in a loan or grant of up to seven hundred thousand dollars if the application has been approved by the director.

(5) The committee shall fix the terms and rates pertaining to its loans.

(6) Should there be more demand for loans than funds available for lending, the committee shall provide loans for those projects which will lead to the greatest amount of employment or benefit to a community. In determining the "greatest amount of employment or benefit" the committee shall also consider the employment which would be saved by its loan.

(7) To the extent permitted under federal law the committee shall require applicants to provide for the transfer of all payments of principal and interest on loans to the Washington state development loan fund created under this chapter. Under circumstances where the federal law does not permit the committee to require such transfer, the committee shall give priority to applications where the applicants on their own volition make commitments to provide for the transfer.

(8) The committee shall not approve any application to finance or help finance a shopping mall.

(9) The committee shall make at least eighty percent of the appropriated funds available to projects located in distressed areas, and may make up to twenty percent available to projects located in areas not designated as distressed. The committee shall not make funds available to projects located in areas not designated as distressed if the fund's net worth is less than seven million one hundred thousand dollars.

(10) If an objection is raised to a project on the basis of unfair business competition, the committee shall evaluate the potential impact of a project on similar businesses located in the local market area. A grant may be denied by the committee if a project is not likely to result in a net increase in employment within a local market area.

Sec. 5. Section 7, chapter 164, Laws of 1985 and RCW 43.168.070 are each amended to read as follows:

The committee shall receive and approve applications on a quarterly basis for each fiscal year. Department staff shall process and assist in the preparation of applications. Each application shall show in detail the nature of the project, the types and numbers of jobs to be created, wages to be paid to new employees, and methods to hire unemployed persons from the ((distressed)) area. Each application shall contain a credit analysis of the business to receive the loan. The chairperson of the committee may convene the committee on short notice to respond to applications of a serious or immediate nature.

NEW SECTION. Sec. 6. A new section is added to chapter 43.168 RCW to read as follows:

(1) The committee shall develop guidelines for development loan funds to be used to fund existing economic development revolving loan funds. Consideration shall be given to the selection process for grantees, loan quality criteria, legal and regulatory issues, and ways to minimize duplication between development loan funds and local economic development revolving loan funds.

(2) If it appears that all of the funds appropriated to the development loan fund for a biennium will not be fully granted to local governments within that biennium, the committee may make available up to twenty percent of the eighty percent of the funds available to projects in distressed areas under RCW 43.168.050(9) for grants to local governments to assist existing economic development revolving loan funds in distressed areas. The grants to local governments shall be utilized to make loans to businesses that meet the specifications for loans under this chapter. The local governments shall, to the extent permitted under federal law, agree to convey to the development loan fund the principal and interest payments from existing loans that the local governments have made through their revolving loan funds. Under circumstances where the federal law does not permit the committee to require such transfer, the committee shall give priority to applications where the applicants on their own volition make commitments to provide for the transfer.

NEW SECTION. Sec. 7. A new section is added to chapter 43.168 RCW to read as follows:

(1) The committee shall develop performance standards for judging the effectiveness of the program. Such standards shall include, to the extent possible, examining the effectiveness of grants in regard to:

- (a) Job creation for individuals of low and moderate income;
- (b) Retention of existing employment;
- (c) The creation of new employment opportunities;
- (d) The diversification of the economic base of local communities;
- (e) The establishment of employee cooperatives;
- (f) The provision of assistance in cases of employee buy-outs of firms to prevent the loss of existing employment;

existing employment:

(g) The degree of risk assumed by the development loan fund, with emphasis on loans which did not receive financing from commercial lenders, but which are considered financially sound.

(2) The committee shall report to the appropriate standing committees of the legislature on the development of performance standards by January 1, 1988.

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 motion of Senator Warnke, the following title amendment was adopted:

On page 1, line 2 of the title, after "program;" strike the remainder of the title and insert "amending RCW 43.165.010, 43.168.020, 43.168.040, 43.168.050, and 43.168.070; adding new sections to chapter 43.168 RCW; and declaring an emergency."

#### MOTION

On motion of Senator Warnke, the rules were suspended, Substitute House Bill No. 1156, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Rasmussen: "Senator Warnke, I heard someplace today that Pacific County has filed for bankruptcy or Chapter 11 or 13 or whatever. Have you heard anything about that?"

Senator Warnke: "No, Senator, I have not."

Senator Rasmussen: "Well, would this fund be able to move in there and help the county?"

Senator Warnke: "It may well help the county, Senator."

Senator Rasmussen: "Well, this block grant--if federal funds are available to help a distressed area--"

Senator Warnke: "Yes, it would. This is a distressed area."

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1156, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1156, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; absent, 1; excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognd, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 44.

Absent: Senator Bender - 1.

Excused: Senators Lee, McDermott, Moore, Rinehart - 4.

SUBSTITUTE HOUSE BILL NO. 1156, 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.

There being no objection, the Senate resumed consideration of Substitute House Bill No. 755 and the pending amendment by Senators Halsan, Talmadge and Nelson on page 3, line 22, deferred earlier today.

#### RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Hayner, the President finds that Substitute House Bill No. 755 is a measure permitting counties to establish community corrections boards, requiring counties to develop community correction plans, permitting the Department of Corrections to contract with counties for community services as part of the community corrections plan and requiring the Department to establish a statewide base level of correctional services.

"The amendment proposed by Senators Halsan, Talmadge and Nelson requires offenders committed to prison for sex offenses and other very serious crimes, to serve one year on 'community placement supervision' made up of a period of community custody and a period of 'post release supervision.'

"The President, therefore, finds that the proposed amendment does change the scope and object of the bill and that the point of order is well taken."

The amendment by Senators Halsan, Talmadge and Nelson was ruled out of order.

#### MOTION

On motion of Senator Wojahn, the rules were suspended, Substitute House Bill No. 755, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 755, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 755, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; absent, 1; excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vogtild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 44.

Absent: Senator Bender - 1.

Excused: Senators Lee, McDermott, Moore, Rinehart - 4.

SUBSTITUTE HOUSE BILL NO. 755, 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.

There being no objection, the Senate resumed consideration of Substitute House Bill No. 646 and the pending amendment by Senators Talmadge, Halsan, Newhouse and Nelson on page 20, line 15 to the Committee on Ways and Means amendment, deferred earlier today.

#### RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator West, the President finds that Substitute House Bill No. 646 is a measure establishing an alcohol and drug addiction treatment and shelter program for general assistance unemployable recipients.

"The amendment to the Committee on Ways and Means amendment proposed by Senators Talmadge, Halsan, Newhouse and Nelson requires group medical plans to provide coverage for the treatment of chemical dependency.

"The President, therefore, finds that the proposed amendment to the Committee on Ways and Means amendment does change the scope and object of the bill and that the point of order is well taken."

The amendment by Senators Talmadge, Halsan, Newhouse and Nelson to the committee amendment was ruled out of order.

The President declared the question before the Senate to be adoption of the Committee on Ways and Means amendment.

The Committee on Ways and Means amendment was adopted.

#### MOTIONS

On motion of Senator Wojahn, the following title amendment was adopted:

On page 1, beginning on line 2 of the title, after "assistance—unemployable;" strike the remainder of the title and insert "amending RCW 74.04.005, 74.08.280, 74.09.010, and 74.09.035; and adding a new chapter to Title 74 RCW."

On motion of Senator Wojahn, the rules were suspended, Substitute House Bill No. 646, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 646, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 646, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; absent, 1; excused, 4.

Voting yeas: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 44.

Absent: Senator Bender - 1.

Excused: Senators Lee, McDermott, Moore, Rinehart - 4.

SUBSTITUTE HOUSE BILL NO. 646, 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.

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

## MESSAGES FROM THE HOUSE

April 15, 1987

Mr. President:

The House has passed:

HOUSE BILL NO. 1228,

and the House has passed:

ENGROSSED SENATE BILL NO. 5032,

SUBSTITUTE SENATE BILL NO. 5089, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 15, 1987

Mr. President:

The House has adopted HOUSE CONCURRENT RESOLUTION NO. 4409, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 15, 1987

Mr. President:

The House has passed:

SENATE BILL NO. 5936,

SENATE JOINT MEMORIAL NO. 8000, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 15, 1987

Mr. President:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 706,

SUBSTITUTE HOUSE BILL NO. 750,

SUBSTITUTE HOUSE BILL NO. 763,

SUBSTITUTE HOUSE BILL NO. 783,

HOUSE BILL NO. 843,

SUBSTITUTE HOUSE BILL NO. 1069, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

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

## INTRODUCTION AND FIRST READING

SB 6074 by Senator McDermott

AN ACT Relating to the state lottery.

Referred to Committee on Ways and Means.

SB 6075 by Senators Bottiger, Talmadge and Bluechel

AN ACT Relating to duties of operators and users of commercial ski areas; amending RCW 70.117.010 and 70.117.020; and declaring an emergency.

Referred to Committee on Ways and Means.



## INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 1228 by Representatives Armstrong, McMullen and P. King

Changing provisions relating to criminal penalties for, criminal sentences for, education regarding, and treatment for alcohol and substance abuse.

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.

## SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 706.  
SUBSTITUTE HOUSE BILL NO. 750.  
SUBSTITUTE HOUSE BILL NO. 763.  
SUBSTITUTE HOUSE BILL NO. 783.  
HOUSE BILL NO. 843.  
SUBSTITUTE HOUSE BILL NO. 1069.

## MOTION

At 9:00 p.m., on motion of Senator Vognild, the Senate adjourned until 10:00 a.m., Thursday, April 16, 1987.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

## NINETY-FIFTH DAY

---

### MORNING SESSION

---

Senate Chamber, Olympia, Thursday, April 16, 1987

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Bauer, Cantu, Craswell, Deccio, Gaspard, Hayner, Kreidler, McDermott, McDonald, Moore, Owen, Rinehart and Zimmerman.

The Sergeant at Arms Color Guard, consisting of Pages Tricia Hauff and Melissa Ohrstrom, presented the Colors. Reverend Ronald W. Hastie, pastor of the Evergreen Christian Center of Olympia, offered the prayer.

#### MOTION

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

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

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1160, by Committee on Transportation (originally sponsored by Representatives Walk, Schmidt, Patrick, Prince, P. King, Doty and D. Sommers)

Implementing a pilot program to study road and maintenance project costs.

The bill was read the second time.

#### MOTIONS

On motion of Senator Bender, the following Committee on Transportation amendments were considered simultaneously and adopted:

On page 2, line 19, after "June 30," strike "1989" and insert "1990"

On page 2, line 26, after "February 15," strike "1989" and insert "1990"

On page 2, line 34, after "June 30," strike "1989" and insert "1990"

On motion of Senator Bender, the rules were suspended. Substitute House Bill No. 1160, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1160, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1160, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 36; absent, 13.

Voting yeas: Senators Anderson, Bailey, Barr, Bender, Benitz, Bluechel, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Halsan, Hansen, Johnson, Kiskaddon, Lee, McCaslin, Metcalf, Nelson, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 36.

Absent: Senators Bauer, Cantu, Craswell, Deccio, Gaspard, Hayner, Kreidler, McDermott, McDonald, Moore, Owen, Rinehart, Zimmerman - 13.

SUBSTITUTE HOUSE BILL NO. 1160, 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.

#### MOTIONS

On motion of Senator Bender, Senators Bauer, Gaspard, McDermott, Moore, Owen, Rinehart and Warnke were excused.

On motion of Senator Zimmerman, Senators Cantu, Craswell, Hayner and McDonald were excused.

## SECOND READING

HOUSE BILL NO. 992, by Representatives Todd and Nelson

Changing provisions relating to termination of utility service.

The bill was read the second time.

## MOTIONS

On motion of Senator Talmadge, the following amendments by Senators Talmadge and Nelson were considered simultaneously and adopted:

On page 1, line 9, after "service" insert "to the customer receiving the service"

On page 1, line 16, after "case," insert "in cases where the service is provided to a tenant, collection of charges shall be made from that individual or individuals, and liens against the property of the landlord for such service are prohibited."

On motion of Senator Williams, the rules were suspended, House Bill No. 992, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 992, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on final passage of House Bill No. 992, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 37; absent, 1; excused, 11.

Voting yea: Senators Anderson, Bailey, Barr, Bender, Benitz, Bluechel, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, Metcalf, Nelson, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, West, Williams, Wojahn, Zimmerman - 37.

Absent: Senator Deccio - 1.

Excused: Senators Bauer, Cantu, Craswell, Gaspard, Hayner, McDermott, McDonald, Moore, Owen, Rinehart, Warnke - 11.

HOUSE BILL NO. 992, 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.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 154, by Committee on Transportation (originally sponsored by Representatives Spanel, D. Sommers, Cooper, Doty, Betzoff and Rayburn) (by request of Washington State Patrol)

Designating hazardous materials coordinating agencies.

The bill was read the second time.

## MOTION

On motion of Senator Bender, the rules were suspended, Substitute House Bill No. 154 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 154.

## ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 154 and the bill passed the Senate by the following vote: Yeas, 39; absent, 3; excused, 7.

Voting yea: Senators Anderson, Bailey, Barr, Bender, Benitz, Bluechel, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Lee, McCaslin, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 39.

Absent: Senators Deccio, Kreidler, Nelson - 3.

Excused: Senators Bauer, Cantu, Craswell, McDermott, McDonald, Owen, Rinehart - 7.

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.

#### SECOND READING

HOUSE BILL NO. 1014, by Representative Haugen

Allowing certain public corporations to use local improvement district financing.

The bill was read the second time.

#### MOTION

On motion of Senator Halsan, the rules were suspended, House Bill No. 1014 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Bottiger: "Senator Halsan, if I happen to own the business next door to the Seattle Art Museum, would I be included then in the LID and have to pay for the improvement?"

Senator Halsan: "If there is a special benefit to you from the presence of the Art Museum."

Senator Bottiger: "What kind of a special benefit would it be if I were selling clothing, or something of that nature?"

Senator Halsan: "You might get a lot of people past your windows."

Senator Bottiger: "What kind of people?"

Senator Halsan: "The same ones that like the murals, Senator Bottiger."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 1014.

#### ROLL CALL

The Secretary called the roll on final passage of House Bill No. 1014 and the bill passed the Senate by the following vote: Yeas, 26; nays, 18; absent, 2; excused, 3.

Voting yea: Senators Bailey, Bender, Bluechel, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, Moore, Owen, Peterson, Rinehart, Sellar, Talmadge, Tanner, Vognlid, von Reichbauer, Warnke, Williams, Zimmerman - 26.

Voting nay: Senators Anderson, Barr, Benitz, Bottiger, Cantu, Conner, Deccio, Hansen, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Rasmussen, Saling, Stratton, West, Wojahn - 18.

Absent: Senators Nelson, Smitherman - 2.

Excused: Senators Bauer, Craswell, McDonald - 3.

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.

#### SECOND READING

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.

#### MOTION

On motion of Senator Halsan, the rules were suspended, House Bill No. 1185 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 1185.

## ROLL CALL

The Secretary called the roll on final passage of House Bill No. 1185 and the bill passed the Senate by the following vote: Yeas, 43; nays, 1; absent, 4; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Saling, Sellar, Stratton, Talmadge, Tanner, Vognil, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 43.

Voting nay: Senator Hansen - 1.

Absent: Senators Deccio, Lee, Rinehart, Smitherman - 4.

Excused: Senator Craswell - 1.

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.

## MOTION

On motion of Senator Bender, Senator Owen was excused.

## SECOND READING

ENGROSSED HOUSE BILL NO. 772, by Representatives Madsen and Fisch

Revising property tax provisions.

The bill was read the second time.

## MOTIONS

On motion of Senator McDermott, the following Committee on Ways and Means amendments were considered simultaneously and adopted:

On page 3, line 20, after "revalued" insert "and posted"

On page 6, line 12, after "district" strike all material down through "sets," on line

On motion of Senator McDermott, the rules were suspended, Engrossed House Bill No. 772, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## POINT OF INQUIRY

Senator Rasmussen: "Senator McDermott, I've kind of forgotten. Could you tell me, if I have a television dish out there--a satellite--and I paid two or three thousand dollars and my neighbors have a television improvement district and by that reason, they have their own dish that serves maybe four or five, or ten homes, am I going to have to pay into that improvement district even though I have my own dish?"

Senator McDermott: "If you are not connected to a television improvement district, you will not have to pay."

Senator Rasmussen: "Well, I am probably within the area of the television improvement district."

Senator McDermott: "My understanding, Senator Rasmussen, is that if you are not connected to the district and to the television dish, you will not have to pay."

Senator Rasmussen: "I don't read it that way. I am not asking Senator Bottiger, but Senator McDermott is."

Senator McDermott: "We don't have very many dishes in the forty-third district."

## REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, television improvement districts are located in extremely rural areas where the community goes together and gets a transceiver and puts it on a hill where it can serve the area. They assess the cost of that by how many television sets you have. The argument in the past has been, that if I went out and bought a satellite, then I should be exempt from paying my share, because I wasn't on the transceiver, I was on my own dish. It makes it extremely difficult for these areas to operate if people can start opting out by buying dishes and not paying the assessment. It's a proposed solution to the problem. You can vote either way. It's your conscience, but if somebody has gone to the expense of putting up a transceiver on the top of the hill presuming they were going to have, say in the

Eniat Valley of four hundred people, paying into it and fifty opted out of it to go with their own dish receiver, then the others have to pay more and more."

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 772, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 772, as amended by the Senate, and the bill failed to pass the Senate by the following vote: Yeas, 24; nays, 22; absent, 1; excused, 2.

Voting yea: Senators Anderson, Bailey, Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Johnson, Kreidler, Lee, McDermott, Newhouse, Peterson, Rinehart, Sellar, Talmadge, Tanner, Vognild, Williams, Wojahn - 24.

Voting nay: Senators Barr, Benitz, Bluechel, Cantu, Decchio, Hansen, Hayner, Kiskaddon, McCaslin, McDonald, Metcalif, Moore, Nelson, Patterson, Pullen, Rasmussen, Saling, Stratton, von Reichbauer, Warnke, West, Zimmerman - 22.

Absent: Senator Smitherman - 1.

Excused: Senators Craswell, Owen - 2.

ENGROSSED HOUSE BILL NO. 772, as amended by the Senate, having failed to receive the constitutional majority, was declared lost.

#### NOTICE FOR RECONSIDERATION

Having voted on the prevailing side, Senator Warnke served notice that he would move to reconsider the vote by which Engrossed House Bill No. 772, as amended by the Senate, failed to pass the Senate.

#### MOTION FOR RECONSIDERATION

Having served prior notice, Senator McDonald moved to reconsider the vote by which House Bill No. 816, as amended by the Senate, passed the Senate April 15, 1987.

The President declared the question before the Senate to be the motion by Senator McDonald to reconsider the vote by which House Bill No. 816, as amended by the Senate, passed the Senate.

The motion by Senator McDonald carried and the Senate commenced reconsideration of House Bill No. 816, as amended by the Senate.

Debate ensued.

#### MOTION

On motion of Senator Newhouse, House Bill No. 816, as amended by the Senate, on reconsideration, was returned to second reading and read the second time.

#### MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Vognild moved to reconsider the vote by which the amendment by Senator Garrett on page 1, line 18, to House Bill No. 816 was adopted.

The President declared the question before the Senate to be the motion by Senator Vognild to reconsider the vote by which the amendment by Senator Garrett on page 1, line 18, was adopted.

The motion by Senator Vognild carried and the Senate commenced reconsideration of the amendment by Senator Garrett on page 1, line 18.

#### MOTION

On motion of Senator Garrett, and there being no objection, the amendment was withdrawn.

#### MOTION

On motion of Senator Warnke, the rules were suspended, House Bill No. 816, without the Senate amendment, on reconsideration, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 816, without the Senate amendment, on reconsideration.

## ROLL CALL

The Secretary called the roll on final passage of House Bill No. 816, without the Senate amendment, on reconsideration, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Excused: Senators Craswell, Owen - 2.

HOUSE BILL NO. 816, without the Senate amendment, on reconsideration, having received the 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 FOR RECONSIDERATION

Having served prior notice, Senator Warnke moved to reconsider the voted by which Engrossed House Bill No. 772, as amended by the Senate, failed to pass the Senate earlier today.

The President declared the question before the Senate to be the motion by Senator Warnke to reconsider the vote by which Engrossed House Bill No. 772, as amended by the Senate, failed to pass the Senate.

The motion by Senator Warnke carried and the Senate commenced reconsideration of Engrossed House Bill No. 772, as amended by the Senate.

## MOTION

On motion of Senator Vognild, Engrossed House Bill No. 772, as amended by the Senate, on reconsideration, was returned to second reading and read the second time.

## MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Vognild moved to reconsider the vote by which the Committee on Ways and Means amendments on page 3, line 20, and page 6, line 12, to Engrossed House Bill No. 772 were adopted.

The President declared the question before the Senate to be the motion by Senator Vognild to reconsider the vote by which the committee amendments on page 3, line 20 and page 6, line 12, were adopted.

The motion by Senator Vognild carried and the Senate commenced reconsideration of the Committee on Ways and Means amendments on page 3, line 20, and page 6, line 12.

The President declared the question before the Senate to be adoption of the Committee on Ways and Means amendments on page 3, line 20, and page 6, line 12, on reconsideration.

The Committee on Ways and Means amendments were not adopted, on reconsideration.

Debate ensued.

## MOTION

On motion of Senator McDermott, the rules were suspended, Engrossed House Bill No. 772, without the Senate amendments, on reconsideration, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 772, without the Senate amendments, on reconsideration.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 772, without the Senate amendments, on reconsideration, and the bill passed the Senate by the following vote: Yeas, 45; nays, 2; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson,

Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Nelson, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 45.

Voting nay: Senators Moore, Sellar - 2.

Excused: Senators Craswell, Owen - 2.

ENGROSSED HOUSE BILL NO. 772, without the Senate amendments, on reconsideration, having received the 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

At 11:11 a.m., on motion of Senator Vognild, the Senate recessed until 1:15 p.m.

#### AFTERNOON SESSION

The Senate was called to order at 1:15 p.m. by President Cherberg.

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

#### REPORT OF STANDING COMMITTEE

April 16, 1987

E2SHB 455 Prime Sponsor, Committee on Ways and Means: Enhancing the financing and management of the states' schools. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Fleming, Kreidler, Moore, Owen, Rinehart, Talmadge, Vognild, Warnke, Williams, Wojahn.

#### MOTION

On motion of Senator Bottiger, the rules were suspended, Engrossed Second Substitute House Bill No. 455 was advanced to second reading and placed on the second reading calendar.

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

#### SECOND READING

SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4023, by Committee on Energy and Utilities (originally sponsored by Representatives Jesernig, Hankins, Brooks, Baugher, Grant, Bristow, Nelson, Brekke, Unsoeld, Rust, Walker, Pruitt, Jacobsen, Sprengle, 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.

#### MOTIONS

On motion of Senator Williams, the following Committee on Energy and Utilities amendment was adopted:

On page 1, strike everything after line 7, and insert the following:

"WHEREAS, For forty years, nuclear defense waste has been accumulating at the federal reservation at Hanford, Washington; and

WHEREAS, The United States Department of Energy has identified more than four hundred thousand cubic yards of transuranic, tank, and high-level radioactive waste at the Hanford Reservation; and

WHEREAS, The United States Department of Energy has identified more than sixty thousand cubic yards of additional wastes to be generated at the Hanford Reservation in the next twelve years; and

WHEREAS, A draft report of the United States Department of Energy has identified at least three hundred thirty sites on the Hanford Reservation which include both chemical and radioactive wastes (mixed wastes); and

WHEREAS, Until these materials are properly cleaned up they constitute a threat to the future health and safety of the people of the entire Pacific Northwest, as well as those living near and working on the Hanford Reservation; and



WHEREAS, The Northwest Citizens Forum on Defense Waste and the Washington State Nuclear Waste Board have studied this problem and have reviewed the Draft Environmental Impact Statement produced by the Department of Energy on the defense waste cleanup; and

WHEREAS, Through separate public meetings conducted by the Washington State Nuclear Waste Board and the Department of Energy the citizens of the Pacific Northwest have had an opportunity to express their feelings and concerns on the Defense Waste Cleanup issue; and

WHEREAS, The Northwest Citizens Forum has issued a report which recommends funding options for clean-up of the defense wastes to ensure the protection of the environment; and

WHEREAS, The Washington State Nuclear Waste Board has urged timely clean-up of the existing defense wastes and has offered to take a leadership role in developing a regional consensus on funding priorities and clean-up; and

WHEREAS, The estimated costs of cleaning up radioactive and mixed wastes could exceed seventeen billion dollars;

NOW, THEREFORE, Your Memorialists respectfully pray that Congress aggressively pursue the cleanup and safe disposal of radioactive defense wastes and mixed waste at the Hanford Reservation by appropriating sufficient funds to carry out the Northwest Citizens Forum's recommendation to clean up defense wastes at Hanford, and by seriously examining proposals for a Defense Waste Trust fund.

BE IT RESOLVED, That copies of this Memorial be immediately transmitted to the Honorable Ronald Reagan, President of the United States, the United States Department of Energy, the President of the United States Senate, the Speaker of the United States House of Representatives, and each member of Congress."

#### MOTION

On motion of Senator Williams, the rules were suspended, Substitute House Joint Memorial No. 4023, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the memorial was placed on final passage.

Debate ensued.

#### MOTIONS

On motion of Senator Bender, Senators Kreidler and McDermott were excused. On motion of Senator Zimmerman, Senator Lee was excused.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Joint Memorial No. 4023, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute House Joint Memorial No. 4023, as amended by the Senate, and the memorial passed the Senate by the following vote: Yeas, 44; absent, 1; excused, 4.

Voting ye: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognil, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 44.

Absent: Senator Peterson - 1.

Excused: Senators Craswell, Kreidler, Lee, McDermott - 4.

SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4023, as amended by the Senate, having received the constitutional majority, was declared passed.

#### SECOND READING

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.

#### MOTIONS

Senator Vognil moved that the following Committee on Ways and Means amendment be adopted:

Strike everything after the enacting clause and insert the following:

\*NEW SECTION, Sec. 1. A new section is added to chapter 70.146 RCW to read as follows:

(1) The department of ecology may enter into contracts with local jurisdictions which provide for extended grant payments under which eligible costs may be paid on an advanced or deferred basis.

(2) Extended grant payments shall be in equal annual payments, the total of which does not exceed, on a net present value basis, fifty percent of the total eligible cost of the project incurred at the time of design and construction. The duration of such extended grant payments shall be for a period not to exceed twenty years. The total of federal and state grant moneys received for the eligible costs of the project shall not exceed fifty percent of the eligible costs.

(3) Any moneys appropriated by the legislature from the water quality account shall be first used by the department of ecology to satisfy the conditions of the extended grant payment contracts."

Senator West moved that the following amendment to the Committee on Ways and Means amendment be adopted:

On page 1, line 34, after "contracts," insert the following:

"(4) Any moneys appropriated by the legislature from the water quality account for protection of sole-source aquifers shall be provided in the form of a fifty percent matching grant."

#### POINT OF ORDER

Senator Bender: "Mr. President, I raise the question of scope and object of the West amendment. Speaking to that point of order, the bill deals with the question of the water quality account of water pollution control facilities. This broadens the subject matter to deal with the issue of sole-source aquifers which is outside the scope and object of the bill.

Further debate ensued.

#### MOTION

On motion of Senator Vognild, further consideration of House Bill No. 1205 was deferred.

There being no objection, the Senate resumed consideration of House Bill No. 541, deferred on April 14, 1987.

#### MOTION

On motion of Senator Vognild, the rules were suspended, House Bill No. 541 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 541.

#### ROLL CALL

The Secretary called the roll on final passage of House Bill No. 541 and the bill passed the Senate by the following vote: Yeas, 45; absent, 2; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 45.

Absent: Senators Bluechel, Peterson - 2.

Excused: Senators Craswell, Kreidler - 2.

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.

#### SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 426, by Committee on Ways and Means/Appropriations (originally sponsored 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.

## MOTION

Senator Pullen moved that the following amendment by Senators Pullen and Rasmussen be adopted:

On page 2, line 1, after "include," strike "but not" and insert "and"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senators Pullen and Rasmussen.

The motion by Senator Pullen failed and the amendment was not adopted on a rising vote.

## MOTION

Senator Pullen moved that the following amendment by Senators Pullen and Rasmussen be adopted:

On page 2, line 1, after "agreement," insert "The commission's power and authority shall be limited to that geographical portion of the Columbia River gorge common to the borders of Washington and Oregon, or that specified by the Columbia River Gorge National Scenic Area Act, whichever area is the lesser."

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senators Pullen and Rasmussen.

The motion by Senator Pullen failed and the amendment was not adopted.

## MOTION

On motion of Senator Owen, the rules were suspended, Second Substitute House Bill No. 426 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Second Substitute House Bill No. 426.

## ROLL CALL

The Secretary called the roll on final passage of Second Substitute House Bill No. 426 and the bill passed the Senate by the following vote: Yeas, 40; nays, 7; absent, 1; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, Newhouse, Owen, Patterson, Peterson, Rinehart, Saling, Sellar, Smitherman, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 40.

Voting nay: Senators McCaslin, Metcalf, Moore, Nelson, Pullen, Rasmussen, Stratton - 7.

Absent: Senator Conner - 1.

Excused: Senator Craswell - 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.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 450, by Committee on State Government (originally sponsored by Representatives H. Sommers and B. Williams) (by request of Governor Gardner)

Revising and reorganizing laws pertaining to the cemetery board.

The bill was read the second time.

## MOTION

On motion of Senator Halsan, the rules were suspended, Substitute House Bill No. 450 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 450.

## ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 450 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yeas: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vogndild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Craswell - 1.

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.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 418, by Committee on Judiciary (originally sponsored by Representatives Armstrong, Schmidt, Holm, Brekke, Sutherland, Locke, Winsley and Todd) (by request of Department of Social and Health Services)

Establishing a child support schedule commission.

The bill was read the second time.

## MOTIONS

Senator Talmadge moved that the following Committee on Judiciary amendment be adopted:

Strike everything after the enacting clause and insert the following:

**NEW SECTION.** Sec. 1. (1) A child support schedule commission is established. The commission shall recommend a child support schedule and propose changes in the schedule to the legislature no later than November 1, 1987.

(2) The commission shall be composed of the secretary of social and health services or the secretary's designee and nine other members. Seven members shall be appointed by the governor as follows: (a) A superior court judge; (b) a representative from the state bar association; (c) an attorney representing indigent persons in Washington; (d) two other persons who have demonstrated an interest or expertise in the study of economic data or child support issues; and (e) two public members who represent the affected populations. Two members shall be the administrator for the courts or his or her designee and the attorney general or his or her designee. In making the appointments, the governor shall seek the recommendations of the association of superior court judges in respect to the member who is a superior court judge; and of the state bar association in respect to the state bar association and indigent attorney representatives.

(3) The secretary of social and health services or the secretary's designee shall serve as chairman of the commission.

(4) The secretary shall serve on the commission during the secretary's tenure as secretary of social and health services. In the event of a vacancy, the appointing authority shall designate a new member to complete the remainder of the unexpired term.

(5) Commission members shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(6) The office of support enforcement shall provide clerical and other support to the commission to enable it to perform its functions.

(7) The commission shall invite public participation and input, particularly from persons who are affected by child support orders.

**NEW SECTION.** Sec. 2. (1) The child support schedule commission shall propose a child support schedule to the legislature no later than November 1, 1987.

(2) The commission shall set the child support schedule and recommended revisions based upon:

(a) Updated economic data which accurately reflects family spending and child rearing costs for families of different sizes and income levels in the state of Washington;

(b) Appropriate adjustments for significant changes in child rearing costs at different age levels;

(c) The need for funding of the child's primary residence by a payment which is sufficient to meet the basic needs of the child;

(d) Provisions for health care coverage and, when needed, child care payments; and

(e) The support amount shall be based on the child's age, the parent's combined income, and the family size. Family size shall mean all children for whom support is to be established.

(3) The commission shall establish standards for applying the child support schedule. Included in these standards shall be:

(a) The type, net or gross, and sources of income on which support amounts shall be based;

(b) Provisions for taking into account the voluntary unemployment or underemployment of one or both parents or if the income of a parent is not known;

(c) Provisions for taking into account a parent whose income varies; and

(d) Provisions for taking into account the differing cost of living in the various counties in this state.

NEW SECTION, Sec. 3. The superior court in each judicial district shall adopt a child support schedule by August 1, 1987.

NEW SECTION, Sec. 4. This act shall expire July 1, 1988.

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 motion of Senator Talmadge, the following amendments by Senators Owen and Nelson to the Committee on Judiciary amendment were considered simultaneously and adopted:

On page 1, line 26 of the committee amendment, after "issues" insert "one of which shall be as non-custodial parent"

On page 1, line 28 of the committee amendment, after "populations" insert "one of which shall be a non-custodial parent"

The President declared the question before the Senate to be adoption of the Committee on Judiciary amendment, as amended.

The motion by Senator Talmadge carried and the Committee on Judiciary amendment, as amended, was adopted.

#### MOTIONS

On motion of Senator Talmadge, the following title amendment was adopted:

On page 1, line 1 of the title, after "support," strike the remainder of the title and insert "creating new sections; providing an expiration date; and declaring an emergency."

On motion of Senator Talmadge, the rules were suspended, Substitute House Bill No. 418, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Kiskaddon: "Senator Talmadge, I notice in the Senate amendment that there is a specific prohibition against asking an employer or employee whether he has a support order. If that is removed, then would that mean that every employer would be asking everyone looking for a job, 'do you owe child support?' Do you think that could make a difference as to whether someone could get a job or not?"

Senator Talmadge: "Senator, I don't think that is this one. This is Substitute House Bill No. 418 which is the Child Support Commission."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 418, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 418, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 35; nays, 10; absent, 3; excused, 1.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Garrett, Gaspard, Halsan, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, Metcalf, Moore, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 35.

Voting nay: Senators Anderson, Bailey, Benitz, Hansen, Hayner, Newhouse, Saling, Sellar, Smitherman, Tanner - 10.

Absent: Senators Fleming, McDermott, Nelson - 3.

Excused: Senator Craswell - 1.

SUBSTITUTE HOUSE BILL NO. 418, 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.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 420, by Committee on Judiciary (originally sponsored by Representatives Appelwick, Armstrong, Valle, Brekke, Holm, Sutherland, Locke and Winsley) (by request of Department of Social and Health Services)

Creating the Washington state support registry.

The bill was read the second time.

## MOTIONS

Senator Talmadge moved that the following Committee on Judiciary amendment be adopted:

Strike everything after the enacting clause and insert the following:

**NEW SECTION.** Sec. 1. The legislature recognizes the financial impact on custodial parents and children when child support is not received on time, or in the correct amount. The legislature also recognizes the burden placed upon the responsible parent and the second family when enforcement action must be taken to collect delinquent support.

It is the intent of the legislature to create a central Washington state support registry to improve the recordkeeping of support obligations and payments, thereby providing protection for both parties, and reducing the burden on employers by creating a single standardized process through which support payments are deducted from earnings.

It is also the intent of the legislature that child support payments be made through mandatory wage assignment or payroll deduction if the responsible parent becomes delinquent in making support payments under a court or administrative order for support.

To that end, it is the intent of the legislature to interpret all existing statutes and processes to give effect to, and to implement, one central registry for recording and distributing support payments in this state.

**NEW SECTION.** Sec. 2. (1) The definitions contained in RCW 74.20A.020 shall be incorporated into and made a part of this chapter.

(2) "Support order" means a superior court order or administrative order, as defined in RCW 74.20A.020.

(3) "Earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonus, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy support obligations, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW. Earnings shall specifically include all gain from capital, from labor, or from both combined, not including profit gained through sale or conversion of capital assets.

(4) "Disposable earnings" means that part of the earnings of an individual remaining after the deduction from those earnings of an amount required by law to be withheld.

(5) "Employer" means any person or entity who pays or owes earnings in employment as defined in Title 50 RCW to the responsible parent including but not limited to the United States government, or any state or local unit of government.

(6) "Employee" means a person in employment as defined in Title 50 RCW to whom an employer is paying, owes or anticipates paying earnings as a result of services performed.

**NEW SECTION.** Sec. 3. There is created a Washington state support registry within the office of support enforcement as the agency designated in Washington state to administer the child support program under Title IV-D of the federal social security act. The registry shall:

(1) Account for and disburse all support payments received by the registry;

(2) Maintain the necessary records including, but not limited to, information on support orders, support debts, the date and amount of support due; the date and amount of payments; and the names, social security numbers, and addresses of the parties;

(3) Develop procedures for providing information to the parties regarding action taken by, and support payments collected and distributed by the registry;

(4) The secretary of social and health services shall adopt rules for the maintenance and retention of records of support payments and for the archiving and destruction of such records when the support obligation terminates or is satisfied. When a support obligation established under court order entered in a superior court of this state has been satisfied, a satisfaction of judgment form shall be prepared by the registry and filed with the clerk of the court in which the order was entered.

The child support registry shall distribute all moneys received in compliance with 42 U.S.C. Sec. 657. When a responsible parent has more than one support obligation, or a support debt is owed to more than one party, moneys received will be distributed between the parties proportionally, based upon the amount of the support obligation and/or support debt owed.

If the Washington state support registry distributes a support payment to a person in error, the registry may obtain restitution by means of a set-off against future payments received on

behalf of the person receiving the erroneous payment, or may act according to RCW 74.20A-.270 as deemed appropriate. Any set-off against future support payments shall be limited to amounts collected on the support debt and up to ten percent of amounts collected as current support.

**NEW SECTION.** Sec. 4. (1) The legislature recognizes that, in order for the support registry to operate in an effective and efficient manner and to ensure that delinquent child support payments will be enforced and collected promptly, especially when the responsible parent is employed and earning regular wages, current employment information must be available to the registry. The legislature also recognizes that the current employer reporting requirements to the department of employment security are not sufficient to facilitate the efforts of the registry to operate effectively and efficiently and collect delinquent payments promptly. Finally, the legislature recognizes that it may not be reasonable to create several different employer reporting systems because of the burdens that would be imposed on employers, especially small businesses. Therefore, the legislature directs the secretary of social and health services and the commissioner of employment security to work with business and employer groups to devise a single reporting process which will meet the needs of both departments and which will provide for prompt and timely employer reporting. The secretary and the commissioner shall prepare and submit a joint report to the judiciary and commerce and labor committees of the house of representatives and the senate by November 1, 1987. The report shall describe the progress that has been made in devising a new reporting system and shall include any recommendations for legislative action that have been agreed upon by the departments and the business and employer groups.

(2) If the report concludes that it is not possible or beneficial to devise a single employer reporting process for both departments, the secretary of social and health services may adopt rules which establish an employer reporting process for employment reports to the support registry. These rules shall include exemptions from the reporting requirement for employees employed for less than two months duration, whether they are full-time or part-time employees or employed on a sporadic basis, employees who earn less than three hundred dollars per month, and other appropriate exemptions. The rules shall also provide for simple methods for employers to use in reporting information to the registry which shall include mailing a copy of the W-4 form, calling a toll-free telephone number maintained by the registry, or by other authorized means. The reporting process established by rule shall be designed to provide for up-to-date employment reports without imposing undue burdens on employers and small businesses.

(3) The secretary and the commissioner shall prepare and submit a report to the judiciary and commerce and labor committees of the house of representatives and the senate by January 25, 1989. This report shall describe the system or systems in effect at that time for employer reporting, identify any problems with the system or systems, include an assessment of the costs associated with the system or systems and the benefits derived from the information reported, if these costs and benefits can be quantified and identified, and include recommendations for legislative action if appropriate.

(4) The registry shall retain the information for a particular employee only if the registry is responsible for establishing, enforcing, or collecting a support obligation or debt of the employee. If the employee does not owe such an obligation or a debt, the registry shall not create a record regarding the employee and the information contained in the notice shall be promptly destroyed.

**NEW SECTION.** Sec. 5. (1) The superior court shall include in all superior court orders which establish or modify a support obligation, a provision which orders and directs the responsible parent to make all support payments to the Washington state support registry, or the person entitled to receive the payments if the parties agree to an alternate payment plan and the court finds that the alternate payment plan includes reasonable assurances that payments will be made in a regular and timely manner. The superior court shall also include a statement that a notice of payroll deduction may be issued or other income withholding action under chapter 26.18 RCW or chapter 74.20A RCW may be taken, without further notice to the responsible parent, if a support payment is more than fifteen days past due in an amount equal to or greater than the support payable for one month. If the court approves an alternate payment plan, the order shall include a statement that the order may be submitted to the Washington state support registry for enforcement if a support payment is more than fifteen days past due in an amount equal to or greater than the support payable for one month.

(2) The office of administrative hearings and the department of social and health services shall require that all support obligations established as administrative orders include a provision which orders and directs that the responsible parent shall make all support payments to the Washington state support registry. All administrative orders shall also state that a notice of payroll deduction may be issued, without further notice to the responsible parent, if a support payment is more than fifteen days past due in an amount equal to or greater than the support payable for one month.

(3) If the support order does not include the provision ordering and directing that all payments be made to the Washington state support registry and a statement that a notice of payroll deduction may be issued if a support payment is past due, the office of support enforcement may serve a notice on the responsible parent stating such requirements and authorizations. Service may be by personal service or any form of mail requiring a return receipt.

(4) Every support order shall state:

(a) That payment shall be made to the Washington state support registry or in accordance with the alternate payment plan approved by the court;

(b) That a notice of payroll deduction may be issued or other income withholding action under chapter 26.18 RCW or chapter 74.20A RCW may be taken, without further notice to the responsible parent, if a support payment is more than fifteen days past due in an amount equal to or greater than the support payable for one month;

(c) The income of the parties, if known, or that their income is unknown and the income upon which the support award is based;

(d) The support award as a sum certain amount;

(e) The specific day or date on which the support payment is due;

(f) The social security number, residence address, and name of employer of the responsible parent;

(g) The social security number and residence address of the custodial parent;

(h) The names, dates of birth, and social security numbers, if any, of the dependent children; and

(i) That the parties are to notify the Washington state support registry of any change in residence address.

(5) The superior court clerk, the office of administrative hearings, and the department of social and health services shall, within five days of entry, forward to the Washington state support registry, a true and correct copy of all superior court orders or administrative orders establishing or modifying a support obligation which provide that support payments shall be made to the support registry. If a superior court order entered prior to the effective date of this section directs the responsible parent to make support payments to the clerk, the clerk shall send a true and correct copy of the support order and the payment record to the registry for enforcement action when the clerk identifies that a payment is more than fifteen days past due. The office of support enforcement shall reimburse the clerk for the reasonable costs of copying and sending copies of court orders to the registry at the reimbursement rate provided in Title IV-D of the social security act.

(6) Receipt of a support order by the registry or other action under this section on behalf of a person or persons who are not recipients of public assistance is deemed to be a request for support enforcement services under RCW 74.20A.040.

(7) After the responsible parent has been ordered or notified to make payments to the Washington state support registry in accordance with subsection (1), (2), or (3) of this section, the responsible parent shall be fully responsible for making all payments to the Washington state support registry and shall be subject to payroll deduction or other income withholding action. The responsible parent shall not be entitled to credit against a support obligation for any payments made to a person or agency other than to the Washington state support registry. A civil action may be brought by the payor to recover payments made to persons or agencies who have received and retained support moneys paid contrary to the provisions of this section.

**NEW SECTION.** Sec. 6. (1) If a support payment is more than fifteen days past due in an amount equal to or greater than the support payable for one month, the office of support enforcement is authorized to serve a notice of payroll deduction upon an employer for child support obligations in compliance with section 5 (1), (2), or (3) of this act. Service shall be by personal service or by any form of mail requiring a return receipt.

(2) Service of a notice of payroll deduction upon an employer requires an employer to immediately make a mandatory payroll deduction from the responsible parent/employee's unpaid disposable earnings. The employer shall thereafter deduct each pay period the amount stated in the notice divided by the number of pay periods per month. The payroll deduction each pay period shall not exceed fifty percent of the responsible parent/employee's disposable earnings.

(3) A notice of payroll deduction for support shall have priority over any wage assignment or garnishment.

(4) The notice of payroll deduction shall be in writing and include:

(a) The name and social security number of the employee;

(b) The amount to be deducted from the responsible parent's disposable earnings each month, or alternate amounts and frequencies as may be necessary to facilitate processing of the payroll deduction by the employer;

(c) A statement that the total amount withheld shall not exceed fifty percent of the responsible parent's disposable earnings; and

(d) The address to which the payments are to be mailed or delivered.



(5) An informational copy of the notice of payroll deduction shall be mailed to the last known address of the responsible parent by regular mail.

(6) An employer who receives a notice of payroll deduction shall make immediate deductions from the employee's unpaid disposable earnings and remit proper amounts to the Washington state support registry on each date the employee is due to be paid.

(7) An employer, upon whom a notice of payroll deduction is served, shall make an answer to the Washington state support registry within twenty days after the date of service. The answer shall confirm compliance and institution of the payroll deduction or explain the circumstances if no payroll deduction is in effect. The answer shall also state whether the responsible parent is employed by or receives earnings from the employer, whether the employer anticipates paying earnings and the amount of earnings. If the responsible parent is no longer employed, or receiving earnings from the employer, the answer shall state the present employer's name and address, if known.

(8) The employer may deduct a processing fee from the remainder of the employee's earnings after withholding under the notice of payroll deduction, even if the remainder is exempt under RCW 26.18.090. The processing fee may not exceed: (a) Ten dollars for the first disbursement made by the employer to the Washington state support registry; and (b) one dollar for each subsequent disbursement to the registry.

**NEW SECTION. Sec. 7.** (1) The employer may combine amounts withheld from the earnings of more than one employee in a single payment to the Washington state support registry, listing separately the amount of the payment which is attributable to each individual employee.

(2) No employer who complies with a notice of payroll deduction under this chapter shall be civilly liable to the employee for complying with a notice of payroll deduction under this chapter.

**NEW SECTION. Sec. 8.** The responsible parent subject to a payroll deduction pursuant to sections 1 through 12 of this act, may file a motion in superior court to quash, modify, or terminate the payroll deduction. The court may grant relief only upon a showing that the payroll deduction causes extreme hardship or substantial injustice or that the responsible parent was not more than fifteen days past due in an amount equal to or greater than the support payable for one month when the notice of payroll deduction was served on the employer. Satisfaction by the obligor of all past due payments subsequent to the issuance of the notice of payroll deduction is not grounds to quash, modify, or terminate the notice of payroll deduction. If a notice of payroll deduction has been in operation for twelve consecutive months and the obligor's support obligation is current, upon motion of the obligor, the court may order the Washington state support registry to terminate the payroll deduction, unless the obligee can show good cause as to why the payroll deduction should remain in effect.

**NEW SECTION. Sec. 9.** No employer shall discipline or discharge an employee or refuse to hire a person by reason of an action authorized in this chapter. If an employer disciplines, discriminates against, or discharges an employee or refuses to hire a person in violation of this section, the employee or person shall have a cause of action against the employer. The employer shall be liable for double the amount of lost wages and any other damages suffered as a result of the violation and for costs and reasonable attorney fees, and shall be subject to a civil penalty of not more than two thousand five hundred dollars for each violation. The employer may also be ordered to hire, rehire, or reinstate the aggrieved individual.

**NEW SECTION. Sec. 10.** (1) The employer shall be liable to the Washington state support registry for one hundred percent of the amount of the support debt, or the amount of support moneys which should have been withheld from the employee's earnings, whichever is the lesser amount, if the employer:

(a) Fails or refuses, after being served with a notice of payroll deduction, to deduct and promptly remit from unpaid earnings the amounts of money required in the notice; or

(b) Fails or refuses to submit an answer to the notice of payroll deduction after being served.

(2) Liability may be established in superior court or may be established pursuant to RCW 74.20A.270. Awards in superior court and in actions pursuant to RCW 74.20A.270 shall include costs, interest under RCW 19.52.020 and 4.56.110, and reasonable attorney fees and staff costs as a part of the award. Debts established pursuant to this section may be collected pursuant to chapter 74.20A RCW utilizing any of the remedies contained in that chapter.

**NEW SECTION. Sec. 11.** The department shall establish, by regulation, a process that may be utilized when a support order does not state the obligation to pay current and future support as a fixed dollar amount, or if there is a dispute about the amount of the support debt owed under a support order. This process is authorized in order to facilitate enforcement of the support order, and is intended to implement and effectuate the terms of the order rather than to modify those terms.

The process shall provide for a notice to be served on the responsible parent by personal service or any form of mailing requiring a return receipt. The notice shall contain an initial finding of the amount of current and future support that should be paid and/or the amount of the support debt owed under the support order. A copy of the notice of hearing shall be mailed to the person to whom support is payable under the support order.

The notice shall direct the responsible parent to appear and show cause at a hearing held by the department why the amount of current and future support to be paid and/or the amount of the support debt is incorrect and should not be ordered. The notice shall provide that the responsible parent has twenty days from the date of the service of the notice to request an administrative hearing or initiate an action in superior court. If the responsible parent does not request a hearing or initiate an action in superior court, the amount of current and future support and/or the amount of the support debt stated in the notice shall be subject to collection action.

If the responsible parent does not initiate such an action in superior court, and serve notice of the action on the department within the twenty-day period, the responsible parent shall be deemed to have made an election of remedies and shall be required to exhaust administrative remedies under this chapter with judicial review available as provided for in RCW 34.04.130.

The administrative hearing shall be a contested hearing under chapter 34.04 RCW and shall be conducted in accordance with the rules and regulations adopted by the department and the office of administrative hearings. A copy of the notice of hearing shall be mailed to the person to whom support is payable under the support order.

An administrative order entered in accordance with this section shall state the basis, rationale, or formula upon which the amounts established in the order were based. The amount of current and future support and/or the amount of the support debt determined under this section shall be subject to collection under this chapter and other applicable state statutes.

The regulation shall also provide for an annual review of the support order if either the office of support enforcement or the responsible parent requests such a review.

**NEW SECTION. Sec. 12.** (1) Any information or records concerning individuals who owe a support obligation or for whom support enforcement services are being provided which are obtained or maintained by the Washington state support registry, the office of support enforcement, or under chapter 74.20 RCW shall be private and confidential and shall only be subject to public disclosure as provided in this section.

(2) The secretary of the department of social and health services shall adopt rules which specify the individuals or agencies to whom this information and these records may be disclosed, the purposes for which the information may be disclosed, and the procedures to obtain the information or records. The rules adopted under this section shall provide for disclosure of the information and records, under appropriate circumstances, which shall include, but not be limited to:

(a) When authorized or required by federal statute or regulation governing the support enforcement program;

(b) To the person the subject of the records or information, unless the information is exempt from disclosure under RCW 42.17.310;

(c) To government agencies, whether state, local, or federal, and including law enforcement agencies, prosecuting agencies, and the executive branch, if the records or information are needed for child support enforcement purposes;

(d) To the parties in a judicial or formal administrative proceeding upon a specific written finding by the presiding officer that the need for the information outweighs any reason for maintaining the privacy and confidentiality of the information or records;

(e) To private persons or organizations if the disclosure is necessary to permit private contracting parties to assist in the management and operation of the department;

(f) Disclosure of address and employment information to the parties to a court order for support for purposes relating to the enforcement or modification of the order;

(g) Disclosure of information or records when necessary to the efficient administration of the support enforcement program or to the performance of functions and responsibilities of the support registry and the office of support enforcement as set forth in state and federal statutes; or

(h) Disclosure of the information or records when authorized under RCW 74.04.060.

(3) Prior to disclosing address information to a party to a child custody order, a notice shall be mailed, if appropriate under the circumstances, to the last known address of the party whose address has been requested. The notice shall advise the party that a request for disclosure has been made and will be complied with unless the department receives a copy of a court order which enjoins the disclosure of the information or restricts or limits the requesting party's right to contact or visit the other party or the child.

(4) Nothing in this section shall be construed as limiting or restricting the effect of RCW 42.17.260(5). Nothing in this section shall be construed to prevent the disclosure of information and records if all details identifying an individual are deleted or the individual consents to the disclosure.

(5) It shall be unlawful for any person or agency in violation of this section to solicit, publish, disclose, receive, make use of, or to authorize, knowingly permit, participate in or acquiesce in the use of any lists of names for commercial or political purposes or the use of any information for purposes other than those purposes specified in this section. A violation of this section shall be a gross misdemeanor as provided in chapter 9A.20 RCW.

Sec. 13. Section 15, chapter 298, Laws of 1981 and RCW 13.32A.175 are each amended to read as follows:

In any proceeding in which the court approves an alternative residential placement, the court shall inquire into the ability of parents to contribute to the child's support. If the court finds that the parents are able to contribute to the support of the child, the court shall order them to make such support payments as the court deems equitable. The court may enforce such an order by execution or in any way in which a court of equity may enforce its orders. However, payments shall not be required of a parent who has both opposed the placement and continuously sought reconciliation with, and the return of, the child. All orders entered in a proceeding approving alternative residential placement shall be in compliance with the provisions of section 5 of this 1987 act.

Sec. 14. Section 8, chapter 160, Laws of 1913 as last amended by section 8, chapter 195, Laws of 1981 and RCW 13.34.160 are each amended to read as follows:

In any case in which the court shall find the child dependent, it may in the same or subsequent proceeding upon the parent or parents, guardian, or other person having custody of said child, being duly summoned or voluntarily appearing, proceed to inquire into the ability of such persons or person able to support the child or contribute ~~((to its support, and if the court shall find such person or persons able to support the child or contribute))~~ thereto, the court may enter such order or decree as shall be according to equity in the premises, and may enforce the same by execution, or in any way in which a court of equity may enforce its decrees. All child support orders entered pursuant to this chapter shall be in compliance with the provisions of section 5 of this 1987 act.

Sec. 15. Section 12, chapter 157, Laws of 1973 1st ex. sess. as amended by section 3, chapter 45, Laws of 1983 1st ex. sess. and RCW 26.09.120 are each amended to read as follows:

(1) The court ~~((may, upon its own motion or upon motion of either party;))~~ shall order support ~~((or))~~ and maintenance payments to be made to ~~((:~~

~~((a) The person entitled to receive the payments; or~~

~~((b) The department of social and health services pursuant to chapters 74.20 and 74.20A RCW; or~~

~~((c) The clerk of court as trustee for remittance to the person entitled to receive the payments))~~ the Washington state support registry, or the person entitled to receive the payments under an alternate payment plan approved by the court as provided in section 5 of this 1987 act.

(2) Maintenance payments, when ordered in an action where there is no dependent child, may be ordered to be paid to the person entitled to receive the payments, or the clerk of the court as trustee for remittance to the persons entitled to receive the payments. If maintenance payments are made to the clerk of court ~~((:~~

~~((a))),~~ the clerk shall maintain records listing the amount of payments, the date when payments are required to be made, and the names and addresses of the parties affected by the order ~~((and))~~.

~~((b)))~~ (3) The parties affected by the order shall inform the ~~((clerk of the court))~~ registry through which the payments are ordered to be paid of any change of address or of other conditions that may affect the administration of the order.

Sec. 16. Section 21, chapter 260, Laws of 1984 as amended by section 1, chapter 138, Laws of 1986 and RCW 26.09.135 are each amended to read as follows:

~~((+))~~ Every court order or decree establishing a child support obligation shall ~~((state:~~

~~((a) That if a support payment is more than fifteen days past due in an amount equal to or greater than the support payable for one month, the obligee of the support payments may seek a mandatory wage assignment under chapter 26.18 RCW without prior notice to the obligor;~~

~~((b) The income of the parties, if known, or that their income is unknown, or the anticipated income upon which the support award is based;~~

~~((c) The support award as a fixed dollar sum or the formula by which the calculation of support is made;~~

~~((d) The specific day or date on which the support payment is due;~~

~~((e) The social security numbers, if known, of the obligor and obligee of the support payments; and~~

~~((f) Which party has or parties have custody of each child for whom an order of support is entered.~~

~~((2) Failure to comply with subsection (1) of this section does not affect the validity of the support order))~~ be entered in compliance with the provisions of section 5 of this 1987 act.

Sec. 17. Section 2, chapter 260, Laws of 1984 and RCW 26.18.020 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Dependent child" means any child for whom a support order has been established or for whom a duty of support is owed.

(2) "Duty of support" means the duty to provide for the needs of a dependent child, which may include necessary food, clothing, shelter, education, and health care. The duty includes any obligation to make monetary payments, to pay expenses, including spousal maintenance, or to reimburse another person or an agency for the cost of necessary support furnished a dependent child. The duty may be imposed by court order, by operation of law, or otherwise.

(3) "Obligee" means the custodian of a dependent child, or person or agency, to whom a duty of support is owed, or the person or agency to whom the right to receive or collect support has been assigned.

(4) "Obligor" means the person owing a duty of support.

(5) "Support order" means any judgment, decree, or order of support issued by the superior court or authorized agency of the state of Washington; or a judgment, decree, or other order of support issued by a court or agency of competent jurisdiction in another state or country, which has been registered or otherwise made enforceable in this state.

(6) "Employer" includes the United States government, a state or local unit of government, and any person or entity who pays or owes earnings to the obligor.

(7) "Earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonus, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy support obligations, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

(8) "Disposable earnings" means that part of the earnings of an individual remaining after the deduction from those earnings of any amount required by law to be withheld.

Sec. 18. Section 7, chapter 260, Laws of 1984 and RCW 26.18.070 are each amended to read as follows:

(1) A petition or motion seeking a mandatory wage assignment in an action under RCW 26.18.040 may be filed by an obligee if the obligor is more than fifteen days past due in child support payments in an amount equal to or greater than the support payable for one month. The petition or motion shall include a sworn statement by the obligee, stating the facts authorizing the issuance of the wage assignment order, including:

(a) That the obligor, stating his or her name and residence, is more than fifteen days past due in child support payments in an amount equal to or greater than the support payable for one month;

(b) A description of the terms of the support order requiring payment of support, and the amount past due;

(c) The name and address of the obligor's employer;

(d) That notice by personal service or any form of mail requiring a return receipt, has been provided to the obligor (~~as required by RCW 26.18.060~~) at least fifteen days prior to the obligee seeking a mandatory wage assignment, unless the order for support states that the obligee may seek a mandatory wage assignment without notice to the obligor; and

(e) In cases not filed by the state, whether the obligee has received public assistance from any source and, if the obligee has received public assistance, that the department of social and health services has been notified in writing of the pending action.

(2) If the court in which a mandatory wage assignment is sought does not already have a copy of the support order in the court file, then the obligee shall attach a copy of the support order to the petition or motion seeking the wage assignment.

Sec. 19. Section 8, chapter 260, Laws of 1984 and RCW 26.18.080 are each amended to read as follows:

(1) Upon receipt of a petition or motion seeking a mandatory wage assignment that complies with RCW 26.18.070, the court shall issue a wage assignment order, as provided in RCW 26.18.100 and including the information required in RCW 26.18.090(1), directed to the employer, and commanding the employer to answer the order on the forms served with the order that comply with RCW 26.18.120 within twenty days after service of the order upon the employer.

(2) The clerk of the court shall forward a copy of the mandatory wage assignment order, a true and correct copy of the support orders in the court file, and a statement containing the obligee's address and social security number shall be forwarded to the Washington state support registry within five days of the entry of the order.

Sec. 20. Section 10, chapter 260, Laws of 1984 and RCW 26.18.100 are each amended to read as follows:

The wage 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. ....  
..... WAGE ASSIGNMENT  
Obligor ..... ORDER

.....  
 Employer  
 THE STATE OF WASHINGTON TO: .....

Employer

AND TO: .....

Obligor

The above-named obligee claims that the above-named obligor is more than fifteen days past due in child support payments in an amount equal to or greater than the child support payable for one month. The amount of the accrued child support debt as of this date is ..... dollars, the amount of arrearage payments specified in the support order (if applicable) is ..... dollars per ..... and the amount of the current and continuing support obligation under the support order is ..... dollars per .....

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 Washington state support registry, one copy to the obligee or obligee's attorney, and one copy to the obligor within twenty days after service of this wage assignment order upon you.

If you possess any earnings due and owing to the obligor, then you shall do as follows:

(1) Withhold from the obligor's earnings each month, or from each regular earnings disbursement, the lesser of:

- (a) The sum of the accrued support debt and the current support obligation;
- (b) The sum of the specified arrearage payment amount and the current support obligation; or
- (c) Fifty percent of the disposable earnings of the obligor.

(2) The total amount withheld above is subject to the wage assignment order, and all other sums may be disbursed to the obligor.

You shall continue to withhold the ordered amounts from nonexempt earnings of the obligor until notified by the court that the wage assignment has been modified or terminated. You shall promptly notify the court and the Washington state support registry if and when the employee is no longer employed by you.

You shall deliver the withheld earnings to the (~~clerk of the court that issued this wage assignment order~~) Washington state support registry at each regular pay interval, but the first delivery shall occur no sooner than twenty days after your receipt of this wage assignment order.

You shall deliver a copy of this order to the obligor as soon as is reasonably possible. This wage assignment order has priority over any other wage assignment or garnishment, except for another wage assignment or garnishment for child support, or order to withhold or deliver under chapter 74.20A RCW.

WHETHER OR NOT YOU OWE ANYTHING TO THE OBLIGOR, YOUR FAILURE TO ANSWER AS REQUIRED MAY MAKE YOU LIABLE FOR OBLIGOR'S CLAIMED SUPPORT DEBT TO THE OBLIGEE OR SUBJECT TO CONTEMPT OF COURT.

NOTICE TO OBLIGOR: YOU HAVE A RIGHT TO REQUEST A HEARING IN THE SUPERIOR COURT THAT ISSUED THIS WAGE ASSIGNMENT ORDER, TO REQUEST THAT THE COURT QUASH, MODIFY, OR TERMINATE THE WAGE ASSIGNMENT ORDER.

DATED THIS ... day of ..., 19 .....

.....  
 Obligee,  
 or obligee's attorney

.....  
 Judge/Court Commissioner

Sec. 21, Section 11, chapter 260, Laws of 1984 and RCW 26.18.110 are each amended to read as follows:

(1) An employer upon whom service of a wage assignment order has been made shall answer the order by sworn affidavit within twenty days after the date of service. The answer shall state whether the obligor is employed by or receives earnings from the employer, whether the employer will honor the wage assignment order, and whether there are multiple child support attachments against the obligor.

(2) If the employer possesses any earnings due and owing to the obligor, the earnings subject to the wage assignment order shall be withheld immediately upon receipt of the wage assignment order. The withheld earnings shall be delivered to the (~~clerk of the court that issued the wage assignment order~~) Washington state support registry at each regular pay interval, but the first delivery shall occur no sooner than twenty days after receipt of the wage assignment order.

(3) The employer shall continue to withhold the ordered amounts from nonexempt earnings of the obligor until notified by the court that the wage assignment has been modified or terminated. The employer shall promptly notify the (~~court~~) Washington state support registry when the employee is no longer employed.

(4) The employer may deduct a processing fee from the remainder of the employee's earnings after withholding under the wage assignment order, even if the remainder is exempt

under RCW 26.18.090. The processing fee may not exceed (a) ten dollars for the first disbursement made by the employer to the ~~((superior court clerk))~~ Washington state support registry; and (b) one dollar for each subsequent disbursement to the clerk.

(5) An order for wage assignment for support entered under this chapter shall have priority over any other wage assignment or garnishment, except for another wage assignment or garnishment for child support, or order to withhold and deliver under chapter 74.20A RCW.

(6) An employer who fails to withhold earnings as required by a wage assignment issued under this chapter may be held liable for the amounts disbursed to the obligor in violation of the wage assignment order, and may be found by the court to be in contempt of court and may be punished as provided by law.

(7) No employer who complies with a wage assignment issued under this chapter may be liable to the employee for wrongful withholding.

(8) No employer may discharge, discipline, or refuse to hire an employee because of the entry or service of a wage assignment issued and executed under this chapter. A person who violates this subsection may be found by the court to be in contempt of court and may be punished as provided by law.

(9) An employer may combine amounts withheld from various employees into a single payment to the ~~((superior court clerk))~~ Washington state support registry, if the payment includes a listing of the amounts attributable to each employee and other information as required by the ~~((clerk))~~ registry.

(10) An employer shall deliver a copy of the wage assignment order to the obligor as soon as is reasonably possible.

Sec. 22. Section 13, chapter 260, Laws of 1984 and RCW 26.18.130 are each amended to read as follows:

(1) Service of the wage assignment order on the employer is invalid unless it is served with ~~((four))~~ five answer forms in substantial conformance with RCW 26.18.120, together with stamped envelopes addressed to, respectively, the clerk of the court where the order was issued, the Washington state support registry, the obligee's attorney or the obligee, and the obligor. The obligee shall also include an extra copy of the wage assignment order for the employer to deliver to the obligor. Service on the employer shall be in person or by any form of mail requiring a return receipt.

(2) On or before the date of service of the wage assignment order on the employer, the obligee shall mail or cause to be mailed by certified mail a copy of the wage assignment order to the obligor at the obligor's last known post office address; or, in the alternative, a copy of the wage 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 employer. This requirement is not jurisdictional, but if the copy is not mailed or served as this subsection provides, or if any irregularity appears with respect to the mailing or service, the superior court, in its discretion, may quash the wage assignment order, upon motion of the obligor promptly made and supported by an affidavit showing that the obligor has suffered substantial injury due to the failure to mail or serve the copy.

Sec. 23. Section 22, chapter 260, Laws of 1984 as amended by section 2, chapter 138, Laws of 1986 and RCW 26.21.125 are each amended to read as follows:

~~((t))~~ Every court order or decree establishing a child support obligation shall ~~((state:~~

~~(a) That if a support payment is more than fifteen days past due in an amount equal to or greater than the support payable for one month, the obligee of the support payments may seek a mandatory wage assignment under chapter 26.18 RCW without prior notice to the obligor;~~

~~(b) The income of the parties, if known, or that their income is unknown, or the anticipated income upon which the support award is based;~~

~~(c) The support award as a fixed dollar sum or the formula by which the calculation of support is made;~~

~~(d) The specific day or date on which the support payment is due;~~

~~(e) The social security numbers, if known, of the obligor and obligee of the support payments; and~~

~~(f) Which party has or parties have custody of each child for whom an order of support is entered;~~

~~(2) Failure to comply with subsection (1) of this section does not affect the validity of the support order)) be entered in compliance with section 5 of this 1987 act.~~

Sec. 24. Section 15, chapter 196, Laws of 1951 as amended by section 21, chapter 45, Laws of 1963 and RCW 26.21.140 are each amended to read as follows:

In addition to the foregoing powers, the court of this state when acting as the responding state has the power to subject the respondent to such terms and conditions as the court may deem proper to assure compliance with its orders and in particular:

(1) To require the respondent to furnish recognizance in the form of a cash deposit or bond of such character and in such amount as the court may deem proper to assure payment of any amount required to be paid by the respondent;

(2) To require the respondent to make payments at specified intervals to the ~~((clerk of the court))~~ Washington state support registry and to report personally to ~~((such clerk))~~ the Washington state support registry at such times as may be deemed necessary;

(3) To punish the respondent who shall violate any order of the court to the same extent as is provided by law for contempt of the court in any other suit or proceeding cognizable by the court.

Sec. 25. Section 16, chapter 196, Laws of 1951 as amended by section 22, chapter 45, Laws of 1963 and RCW 26.21.150 are each amended to read as follows:

The court of this state when acting as a responding state shall have the following duties which ~~((may))~~ shall be carried out through the ~~((clerk of the court))~~ Washington state support registry:

(1) Upon the receipt of a payment made by the respondent pursuant to any order of the court or otherwise, to transmit the same forthwith to the court of the initiating state, and

(2) Upon request to furnish to the court of the initiating state a certified statement of all payments made by the respondent.

Sec. 26. Section 17, chapter 196, Laws of 1951 as amended by section 23, chapter 45, Laws of 1963 and RCW 26.21.160 are each amended to read as follows:

The court of this state when acting as an initiating state shall have the duty which ~~((may))~~ shall be carried out through the ~~((clerk of the court))~~ Washington state support registry to receive and disburse forthwith all payments made by the respondent or transmitted by the court of the responding state.

Sec. 27. Section 23, chapter 260, Laws of 1984 as amended by section 3, chapter 138, Laws of 1986 and RCW 26.26.132 are each amended to read as follows:

~~((H))~~ Every court order or decree establishing a child support obligation shall ~~((state: .~~

~~(a) That if a support payment is more than fifteen days past due in an amount equal to or greater than the support payable for one month, the obligee of the support payments may seek a mandatory wage assignment under chapter 26.18 RCW without prior notice to the obligor;~~

~~(b) The income of the parties, if known, or that their income is unknown, or the anticipated income upon which the support award is based;~~

~~(c) The support award as a fixed dollar sum or the formula by which the calculation of support is made;~~

~~(d) The specific day or date on which the support payment is due;~~

~~(e) The social security numbers, if known, of the obligor and obligee of the support payments; and~~

~~(f) Which party has or parties have custody of each child for whom an order of support is entered;~~

~~(2) Failure to comply with subsection (1) of this section does not affect the validity of the support order)) be entered in compliance with section 5 of this 1987 act.~~

Sec. 28. Section 16, chapter 42, Laws of 1975-'76 2nd ex. sess. and RCW 26.26.150 are each amended to read as follows:

(1) If existence of the father and child relationship is declared, or paternity or a duty of support has been acknowledged or adjudicated under this chapter or under prior law, the obligation of the father may be enforced in the same or other proceedings by the mother, the child, the state of Washington, the public authority that has furnished or may furnish the reasonable expenses of pregnancy, confinement, education, support, or funeral, or by any other person, including a private agency, to the extent he has furnished or is furnishing these expenses.

(2) The court ~~((may))~~ shall order support payments to be made to the ~~((department of social and health services pursuant to chapters 74.20 and 74.20A RCW, to a parent, the clerk of the court, or a person, corporation, or agency designated to administer them for the benefit of the child under the supervision of the court))~~ Washington state support registry, or the person entitled to receive the payments under an alternate payment plan approved by the court as provided in section 5 of this 1987 act.

(3) All remedies for the enforcement of judgments apply.

Sec. 29. Section 74.04.060, chapter 26, Laws of 1959 as last amended by section 32, chapter 41, Laws of 1983 1st ex. sess. and RCW 74.04.060 are each amended to read as follows:

For the protection of applicants and recipients, the department and the county offices and their respective officers and employees are prohibited, except as hereinafter provided, from disclosing the contents of any records, files, papers and communications, except for purposes directly connected with the administration of the programs of this title. In any judicial proceeding, except such proceeding as is directly concerned with the administration of these programs, such records, files, papers and communications, and their contents, shall be deemed privileged communications and except for the right of any individual to inquire of the office whether a named individual is a recipient of welfare assistance and such person shall be entitled to an affirmative or negative answer. However, upon written request of a parent who has been awarded visitation rights in an action for divorce or separation or any parent with legal custody of the child, the department shall disclose to him or her the ~~((current))~~ last known

address and location of his or her natural or adopted children. The secretary shall adopt rules which establish procedures for disclosing the address of the children and providing, when appropriate, for prior notice to the custodian of the children. The notice shall state that a request for disclosure has been received and will be complied with by the department unless the department receives a copy of a court order which enjoins the disclosure of the information or restricts or limits the requesting party's right to contact or visit the other party or the child. Information supplied to a parent by the department shall be used only for purposes directly related to the enforcement of the visitation and custody provisions of the court order of separation or decree of divorce. No parent shall disclose such information to any other person except for the purpose of enforcing visitation provisions of the said order or decree.

The county offices shall maintain monthly at their offices a report showing the names and addresses of all recipients in the county receiving public assistance under this title, together with the amount paid to each during the preceding month.

The provisions of this section shall not apply to duly designated representatives of approved private welfare agencies, public officials, members of legislative interim committees and advisory committees when performing duties directly connected with the administration of this title, such as regulation and investigation directly connected therewith: PROVIDED, HOWEVER, That any information so obtained by such persons or groups shall be treated with such degree of confidentiality as is required by the federal social security law.

It shall be unlawful, except as provided in this section, for any person, body, association, firm, corporation or other agency to solicit, publish, disclose, receive, make use of, or to authorize, knowingly permit, participate in or acquiesce in the use of any lists or names for commercial or political purposes of any nature. The violation of this section shall be a gross misdemeanor.

Sec. 30. Section 16, chapter 173, Laws of 1969 ex. sess. as last amended by section 13, chapter 171, Laws of 1979 ex. sess. and RCW 74.20.101 are each amended to read as follows:

Whenever, as a result of any action, support money is paid by the person or persons responsible for support, such payment shall be paid through the ~~((support enforcement and collections unit of the state department of social and health services))~~ Washington state support registry if the support order contains a provision directing the responsible parent to make support payments through the registry or upon written notice by the ((department)) office of support enforcement to the responsible ((person)) parent or to the clerk of the court, if appropriate, that ~~((the children for whom a support obligation exists are receiving public assistance or that the support debt has been assigned to the department))~~ all future support payments must be made through the registry.

After service on a responsible parent of a notice under this section or RCW 74.20A.040 or 74.20A.055, payment of moneys ~~((or in-kind providings))~~ for the support of the responsible parent's children which are not paid to the ~~((department))~~ Washington state support registry shall not be credited against or set-off against any obligation to provide support which has been assigned to the department, whether the obligation has been determined by court order, or pursuant to RCW 74.20A.055, or is unliquidated.

Sec. 31. Section 3, chapter 164, Laws of 1971 ex. sess. as last amended by section 5, chapter 276, Laws of 1985 and RCW 74.20A.030 are each amended to read as follows:

The department shall be subrogated to the right of any dependent child or children or person having the care, custody, and control of said child or children, if public assistance money is paid to or for the benefit of the child, to prosecute or maintain any support action or execute any administrative remedy existing under the laws of the state of Washington to obtain reimbursement of moneys expended, based on the support obligation of the responsible parent established by a superior court order or RCW 74.20A.055. Distribution of any support moneys shall be made in accordance with 42 U.S.C. Sec. 657.

~~((No))~~ Public assistance moneys shall be exempt from collection ((shall be made from a parent or other person who is the recipient of public assistance moneys while such person or persons are in such status)) action under this chapter except as provided in RCW 74.20A.270.

No collection action shall be taken against parents of children eligible for admission to, or children who have been released from, a state school for the developmentally disabled as defined by chapter 72.33 RCW.

The department may initiate, continue, maintain, or execute action to establish, enforce, and collect a support obligation, including establishing paternity and performing related services, under this chapter and chapter 74.20 RCW, or through the attorney general or prosecuting attorney under chapter 26.09, 26.18, 26.20, 26.21, or 26.26 RCW or other appropriate statutes or the common law of this state, for a period not to exceed three months from the month following the month in which the family or any member thereof ceases to receive public assistance and thereafter if a nonassistance request for support enforcement services has been made under RCW 74.20.040.

Sec. 32. Section 13, chapter 164, Laws of 1971 ex. sess. as amended by section 12, chapter 183, Laws of 1973 1st ex. sess. and RCW 74.20A.130 are each amended to read as follows:

Whenever a support lien has been filed pursuant to RCW 74.20A.060, the secretary may collect the support debt stated in said lien by the distraint, seizure, and sale of the property



subject to said lien. Not less than ten days prior to the date of sale, the secretary shall ((give notice)) cause a copy of the notice of sale to be transmitted by regular mail and by any form of mailing requiring a return receipt to the debtor and any person known to have or claim an interest ((therein of the general description of the property to be sold and the time and place of sale of said)) in the property. Said notice shall ((be given to such persons by certified mail, return receipt requested or by service in the manner prescribed for the service of a summons in a civil action)) contain a general description of the property to be sold and the time, date, and place of the sale. ((A)) The notice ((specifying the property to be sold)) of sale shall be posted in at least two public places in the county wherein the distraint has been made. The time of sale shall not be less than ten nor more than twenty days from the date of posting of such notices. Said sale shall be conducted by the secretary, who shall proceed to sell such property by parcel or by lot at a public auction, and who may set a minimum reasonable price to include the expenses of making a levy and of advertising the sale, and if the amount bid for such property at the sale is not equal to the price so fixed, the secretary may declare such property to be purchased by the department for such price, or may conduct another sale of such property pursuant to the provisions of this section. In the event of sale, the debtor's account shall be credited with the amount for which the property has been sold. Property acquired by the department as herein prescribed may be sold by the secretary at public or private sale, and the amount realized shall be placed in the state general fund to the credit of the department of social and health services. In all cases of sale, as aforesaid, the secretary shall issue a bill of sale or a deed to the purchaser and said bill of sale or deed shall be prima facie evidence of the right of the secretary to make such sale and conclusive evidence of the regularity of his proceeding in making the sale, and shall transfer to the purchaser all right, title, and interest of the debtor in said property. The proceeds of any such sale, except in those cases wherein the property has been acquired by the department, shall be first applied by the secretary to reimbursement of the costs of distraint and sale, and thereafter in satisfaction of the delinquent account. Any excess which shall thereafter remain in the hands of the secretary shall be refunded to the debtor. Sums so refundable to a debtor may be subject to seizure or distraint by any taxing authority of the state or its political subdivisions or by the secretary for new sums due and owing subsequent to the subject proceeding. Except as specifically provided in this chapter, there shall be exempt from distraint, seizure, and sale under this chapter such property as is exempt therefrom under the laws of this state.

Sec. 33. Section 19, chapter 164, Laws of 1971 ex. sess. as amended by section 17, chapter 183, Laws of 1973 1st ex. sess. and RCW 74.20A.190 are each amended to read as follows:

The secretary may assess and collect interest of six percent per annum on any support debt due and owing to the department under RCW 74.20A.030 ((may be collected by the secretary)) or which the department has been authorized to enforce and collect under RCW 74.20.040 at the maximum rate permitted under RCW 19.52.020. No provision of this chapter shall be construed to require the secretary to maintain interest balance due accounts and said interest may be waived by the secretary, if said waiver would facilitate the collection of the debt.

Sec. 34. Section 24, chapter 183, Laws of 1973 1st ex. sess. and RCW 74.20A.260 are each amended to read as follows:

((One hundred percent of the temporary total)) Disability payments ((and permanent total disability compensation to a workman allocated by RCW 51.32.090 and 51.32.060 respectively to the spouse and children of a workman, and forty percent of the net proceeds of payments to a workman for permanent partial disability under RCW 51.32.060)) made pursuant to Title 51 RCW shall ((not)) be classified as ((<sup>(2)</sup>)) earnings ((<sup>(-)</sup> but shall be subject to lien or order to withhold and deliver and said lien or order to withhold and deliver shall continue to operate and require any political subdivision or department of the state to withhold the above stated portions at each subsequent disbursement or receipt interval until the entire amount of the support debt stated in the lien or order to withhold and deliver has been withheld)) and shall be subject to collection action by the office for support enforcement under this chapter and all other applicable state statutes.

NEW SECTION. Sec. 35. Sections 1 through 12 of this act shall constitute a new chapter under Title 26 RCW.

NEW SECTION. Sec. 36. The following acts or parts of acts are each repealed:

- (1) Section 13, chapter 157, Laws of 1973 1st ex. sess. and RCW 26.09.130; and
- (2) Section 6, chapter 260, Laws of 1984 and RCW 26.18.060.

NEW SECTION. Sec. 37. Sections 1 through 3 and 5 through 36 of this act shall take effect January 1, 1988.

NEW SECTION. Sec. 38. Section 4 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."

Senator Owen moved that the following amendments by Senators Owen and Newhouse to the Committee on Judiciary amendment be considered simultaneously and adopted:

On page 4, line 11 of the committee amendment, after "(2)" strike all material down to and including "rules" on line 15 and insert "The report"

On page 4, line 19, of the committee amendment, after "The" strike "rules" and insert "report"

On page 4, line 24 of the committee amendment, after "by" strike "rule" and insert "the report"

On page 4, line 35 of the committee amendment, after "identified," insert "assess the additional work load for employers to comply with reporting requirements, propose a means by which employers may be compensated for their costs to comply with the reporting requirements."

Debate ensued.

The President declared the question before the Senate to be adoption of the amendments by Senators Owen and Newhouse to the Committee on Judiciary amendment.

The motion by Senator Owen carried and the amendments to the committee amendment were adopted.

#### MOTION

On motion of Senator Talmadge, the following amendment by Senators Talmadge and Newhouse to the Committee on Judiciary amendment was adopted:

On page 9, line 28, after "disciplines" strike ", discriminates against,"

The President declared the question before the Senate to be adoption of the Committee on Judiciary amendment, as amended.

#### POINT OF INQUIRY

Senator Kiskaddon: "Senator Talmadge, my concern really is that somebody would end up not being able to get a job, because they had to say that, 'You know, I am being required to pay child support.' So, with this Section 9 who is it that, actually, would make sure, or who would you appeal to and how would this work, so that it would not turn out to be someone losing a job?"

Senator Talmadge: "Senator, my understanding is that it would be the Department of Employment Security where you have these unfair labor practices kinds of situations, that the Department of Employment Security would be available to assist in redressing the circumstances for the prospective employee who was affected. That's my understanding."

The President declared the question before the Senate to be adoption of the Committee on Judiciary amendment, as amended.

The Committee on Judiciary amendment, as amended, was adopted.

#### MOTIONS

On motion of Senator Talmadge, the following title amendment was adopted:

On page 1, line 1 of the title, after "relations;" strike the remainder of the title and insert "amending RCW 13.32A.175, 13.34.160, 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, 26.26.132, 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 chapter to Title 26 RCW; repealing RCW 26.09.130 and 26.18.060; prescribing penalties; providing an effective date; and declaring an emergency."

On motion of Senator Talmadge, the rules were suspended, Substitute House Bill No. 420, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 420, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 420, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; nays, 2; absent, 1; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson,

Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Moore, Nelson, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 45.

Voting nay: Senators Owen, Sellar - 2.

Absent: Senator Metcalf - 1.

Excused: Senator Craswell - 1.

SUBSTITUTE HOUSE BILL NO. 420, 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.

#### SECOND READING

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.

#### MOTION

On motion of Senator Garrett, the rules were suspended, House Bill No. 815 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 815.

#### ROLL CALL

The Secretary called the roll on final passage of House Bill No. 815 and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Absent: Senator Hayner - 1.

Excused: Senator Craswell - 1.

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.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 833, by Committee on State Government (originally sponsored by Representatives Sprenkle, Cooper, Jacobsen, Pruitt, Bristow, Valle, K. Wilson, Kremen, Cantwell, Grant, Crane, Ebersole, Todd, J. Williams, Sanders and P. King)

Creating Washington state efficiency study commission.

The bill was read the second time.

#### MOTIONS

Senator Talmadge moved that the following amendment by Senators Talmadge, McDermott, Halsan, Owen, Tanner and Zimmerman be adopted:

Strike everything after the enacting clause and insert the following:

\*NEW SECTION, Sec. 1. (1) There is hereby created a temporary commission to be known as the Washington state commission for efficiency and accountability in government, hereafter referred to as the commission.

(2) The commission shall consist of fourteen members as follows:

(a) Six members appointed by the governor including but not limited to representatives from private sector business and industry, labor unions, and public interest organizations;

(b) Three members appointed jointly by the president of the senate and speaker of the house including but not limited to representatives from private sector business and industry, labor unions, and public interest organizations;

(c) One representative from each of the four legislative caucuses to be appointed by the president of the senate and the speaker of the house; and

(d) The governor shall be a member and the chair of the commission.

The vice-chair shall be selected by the commission.

(3) Nonlegislative members shall be reimbursed for travel expenses for attending meetings of the commission as provided for in RCW 43.03.050 and 43.03.060. Legislative members shall be reimbursed for travel expenses for attending meetings of the commission as provided for in RCW 44.04.120.

**NEW SECTION, Sec. 2.** The commission shall develop recommendations for legislative and executive consideration that will:

- (1) Increase the efficiency and effectiveness of state government programs and reduce costs;
- (2) Enhance executive accountability and the organizational soundness of state government;
- (3) Enhance legislative oversight and program accountability; and
- (4) Improve managerial competence and workforce productivity.

**NEW SECTION, Sec. 3.** To carry out the provisions of section 2 of this act, the commission shall:

(1) Prepare a list of selected programs funded by the state that will be subject to review by the commission. The list shall include programs that have a major fiscal impact on the state and where the commission determines that operational and organizational improvements are feasible. The reviews shall concentrate on identifying improvements that will result in increased program efficiency and effectiveness and reduced costs, greater accountability to the general public, increased information and data relative to governmental expenditures, and increased managerial competence and workforce productivity.

(2) Develop a four-year plan for the orderly review of each program identified under subsection (1) of this section. The plan shall contain a timetable for the completion of each program review and an estimate of the resources needed to carry out the reviews. The plan shall be updated annually.

(3) Secure private sector financial and other support for the conduct of the reviews.

(4) Establish the scope of program reviews, select review teams and direct those teams to conduct the program reviews identified by the commission. The review teams shall report to the commission their findings and recommendations for organizational and operational improvements.

(5) Decide upon recommendations for executive action or legislation necessary to implement the operational or organizational improvements developed by program review teams.

(6) Submit the following reports to the legislature:

(a) By December 31, 1987, a four-year plan required by subsection (2) of this section;

(b) Upon completion of each program review, its recommendations for operational and organizational improvements for the program reviewed. The report shall include estimates of savings which may result from recommended legislative or executive action.

(c) By December 31, 1988, a report summarizing recommendations of the commission for legislative and executive actions to accomplish operational and organizational improvements identified in completed program reviews and any executive action initiated as a result of findings of a program review. Thereafter, the commission shall report to the legislature annually, no later than December 31, on its progress toward completing the four-year review plan and on its recommendations for operational and organizational improvements in state government.

**NEW SECTION, Sec. 4.** (1) It is the intent of the legislature that the program review activities of the commission be funded, to the extent practicable, by contributions received from the private sector. The office of financial management and the legislature shall provide staff as required by the commission for developing the plan for proper reviews and undertaking such reviews. To the extent permitted by law, all agencies of the state shall cooperate fully with the commission in carrying out its duties under this act.

(2) The commission may receive and expend gifts, grants, and endowments from private sources to carry out the purposes of this act.

**NEW SECTION, Sec. 5.** The commission may contract for such services as are necessary to supplement the staff as provided in section 4 of this act.

**NEW SECTION, Sec. 6.** This act shall expire December 31, 1991."

Senator Zimmerman moved that the following amendment to the amendment be adopted:

On page 4, line 35, strike "office of financial management" and insert "legislative evaluation and accountability program committee"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Zimmerman to the amendment by Senators Talmadge, McDermott, Halsan, Owen, Tanner and Zimmerman.

The motion by Senator Zimmerman failed and the amendment to the amendment was not adopted on a rising vote.

The President declared the question before the Senate to be adoption of the amendment by Senators Talmadge, McDermott, Halsan, Owen, Tanner and Zimmerman.

The motion by Senator Talmadge carried and the amendment was adopted.

#### MOTIONS

On motion of Senator Halsan, the following title amendment was adopted:

On page 1, line 1 of the title, after "government;" strike the remainder of the title and insert "creating new sections; and providing an expiration date."

On motion of Senator Halsan, the rules were suspended, Substitute House Bill No. 833, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 833, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 833, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Craswell - 1.

SUBSTITUTE HOUSE BILL NO. 833, 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.

#### MOTION

On motion of Senator Vognild, the Senate commenced consideration of Substitute House Bill No. 1129.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1129, by Committee on Local Government (originally sponsored 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.

#### MOTIONS

Senator McDermott moved that the following Committee on Governmental Operations amendment be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 36.29.020, chapter 4, Laws of 1963 as last amended by section 7, chapter 177, Laws of 1984 and RCW 36.29.020 are each amended to read as follows:

The county treasurer shall keep all moneys belonging to the state, or to any county, in his or her own possession until disbursed according to law. The county treasurer shall not place the same in the possession of any person to be used for any purpose; nor shall he or she loan or in any manner use or permit any person to use the same; but it shall be lawful for a county treasurer to deposit any such moneys in any regularly designated qualified public depository. Any municipal corporation may by action of its governing body authorize any of its funds which are not required for immediate expenditure, and which are in the custody of the county treasurer or other municipal corporation treasurer, to be invested or deposited by such treasurer in ~~((savings or time accounts in designated qualified public depositories or in 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; in bankers' acceptances purchased on the secondary market, 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 or deposit such funds or any portion thereof in investment deposits as defined in RCW 39.58.010 secured by collateral in accordance with the provisions of chapter 39.58 RCW)) investments or deposits authorized under RCW 43.84.080 and chapter 39.58 RCW in which the state treasurer may invest or deposit public moneys: PROVIDED, Five percent of the interest or earnings, with an annual maximum of fifty dollars, on any transactions authorized by each resolution of the governing body shall be paid as an investment service fee to the office of the county treasurer or other municipal corporation treasurer when the interest or earnings become available to the governing body: PROVIDED FURTHER, That if such investment service fee amounts to five dollars or less the county treasurer or other municipal corporation treasurer may waive such fee.~~

Whenever the funds of any municipal corporation which are not required for immediate expenditure are in the custody or control of the county treasurer, and the governing body of such municipal corporation has not taken any action pertaining to the investment of any such funds, the county finance committee shall direct the county treasurer to invest or deposit, to the maximum prudent extent, such funds or any portion thereof in savings or time accounts in designated qualified public depositories or in ~~((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, in bankers' acceptances purchased on the secondary market, 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 or deposit such funds or any portion thereof in investment deposits as defined in RCW 39.58.010 secured by collateral in accordance with the provisions of chapter 39.58 RCW)) investments or deposits authorized under RCW 43.84.080 and chapter 39.58 RCW in which the state treasurer may invest or deposit state moneys: PROVIDED, That the county treasurer shall have the power to select the specific qualified financial institution in which said funds may be invested. The interest or other earnings from such investments or deposits shall be deposited in the current expense fund of the county and may be used for general county purposes. The investment or deposit and disposition of the interest or other earnings therefrom authorized by this paragraph shall not apply to such funds as may be prohibited by the state Constitution from being so invested or deposited.~~

NEW SECTION, Sec. 2. A new section is added to chapter 36.29 RCW to read as follows:

The county treasurer may deduct the amounts necessary to reimburse the treasurer's office for the actual expenses the office incurs and to repay any county funds appropriated and expended for the initial administrative costs of establishing a county investment pool provided in RCW 36.29.022. Any credits or payments to political subdivisions shall be calculated and made in a manner which equitably reflects the differing amounts of the political subdivision's respective deposits in the county investment pool and the differing periods of time for which the amounts were placed in the county investment pool."

Senator McDermott moved that the following amendments by Senators McDermott and Zimmerman to the Committee on Governmental Operations amendment be considered simultaneously and adopted:

On page 1, line 28, after "which" insert "are available in its treasury for expenditure but"

On page 1, beginning on line 29, strike ", and which are in the custody of the county treasurer or other municipal corporation treasurer" and insert "~~((and which are in the custody of the county treasurer or other municipal corporation treasurer))~~"

On page 1, line 33, strike "or deposited by such treasurer" and insert "~~((by such treasurer)) or deposited~~"

On page 4, line 28, after "deposited," insert "All amounts distributed and disbursed under RCW 84.56.230 and 84.56.280 shall be without interest."

#### POINT OF INQUIRY

Senator Williams: "Senator McDermott, does this, in fact, then over turn a court decision?"

Senator McDermott: "Senator Williams, this clarifying language is consistent with past and current practices and reaffirms that the Legislature has always intended that interest income be retained by the counties as compensation for their assessment and tax collection responsibilities."

Further debate ensued.

#### POINT OF INQUIRY

Senator Rasmussen: "Senator Bottiger, you are aware of that Seattle case where there is going to be quite--several thousand dollars in interest, quite a large

sum--would legislation passed now after the first court decision, be retroactive, so it would affect that decision?"

Senator Bottiger: "Senator, I don't know. I don't know the case. I don't know the facts and I am sorry, I would not be able to give you an adequate answer to that question."

Further debate ensued.

#### POINT OF INQUIRY

Senator Rasmussen: "Senator Halsan, you are aware of the recent court case where Seattle is going to recover interest from the county? Passing a law like this, would it be retroactive or would that case stand even though it's going to appeal?"

Senator Halsan: "I apologize, Senator Rasmussen, I was on the telephone when you asked the question. I would have to look through the book on that one."

Senator Rasmussen: "Well, we are on the point of passing a law now and my question was, after the court has decided, would it have a retroactive effect if we pass the law?"

Senator Halsan: "Under general principles, laws are not retroactive unless specifically stated to be so. I am sure Senator Bottiger could respond to that as well."

Senator Rasmussen: "Well, he didn't know either."

Further debate ensued.

#### MOTION

On motion of Senator Vognild, further consideration of Substitute House Bill No. 1129 was deferred.

#### MOTION

On motion of Senator Bender, Senator Wojahn was excused.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 47, by Committee on Ways and Means/Appropriations (originally sponsored by Representatives May, Ferguson, Haugen, Schoon, Nutley, Jacobsen and Walker)

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

The bill was read the second time.

#### MOTIONS

On motion of Senator McDermott, the following amendment was adopted:

On page 10, following line 28, insert the following:

"Sec. 2. Section 4, chapter 257, Laws of 1971 ex. sess. as last amended by section 21, chapter 294, Laws of 1977 ex. sess. and RCW 41.26.046 are each amended to read as follows:

By July 31, 1971, the retirement board shall adopt minimum medical and health standards for membership coverage into the Washington law enforcement officers' and fire fighters' retirement system act. In adopting such standards the retirement board shall consider existing standards recommended by the international association of chiefs of police and the international association of fire fighters, and shall adopt equal or higher standards, together with appropriate standards and procedures to insure uniform compliance with this chapter. The standards when adopted shall be published and distributed to each employer, and each employer shall adopt certification procedures and such other procedures as are required to insure that no law enforcement officer or fire fighter receives membership coverage unless and until he has actually met minimum medical and health standards: PROVIDED, That an elected sheriff or an appointed chief of police ((or)), fire chief, or director of public safety shall not be required to meet the age standard. The retirement board may amend the minimum medical and health standards as experience indicates, even if the standards as so amended are lower or less rigid than those recommended by the international associations mentioned above. The cost of the medical examination contemplated by this section is to be paid by the employer."

On motion of Senator McDermott, the following title amendment was adopted:

On page 1, line 3 of the title, after "41.26.030" insert "and 41.26.046"

## MOTION

On motion of Senator McDermott, the rules were suspended, Engrossed Substitute House Bill No. 47, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 47, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 47, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; absent, 2; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, Warnke, West, Williams, Zimmerman - 45.

Absent: Senators McCaslin, von Reichbauer - 2.

Excused: Senators Craswell, Wojahn - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 47, 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.

## SECOND 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 second time.

## MOTIONS

On motion of Senator Bender, the following Committee on Transportation amendment was adopted:

Strike everything after the enacting clause and insert the following:

\*NEW SECTION, Sec. 1. 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 motion of Senator Bender, the following title amendment was adopted:

On line 1 of the title, after "payments;" strike the remainder of the title and insert "and adding a new section to chapter 82.38 RCW."

## MOTION

On motion of Senator Bender, the rules were suspended, Engrossed House Bill No. 24, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 24, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 24, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Zimmerman - 47.

Excused: Senators Craswell, Wojahn - 2.



ENGROSSED HOUSE BILL NO. 24, 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.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 283, by Committee on Natural Resources (originally sponsored by Representatives K. Wilson, Kremen, Haugen, S. Wilson, R. King, Basich and Holm)

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

The bill was read the second time.

#### MOTION

On motion of Senator Owen, the rules were suspended, Engrossed Substitute House Bill No. 283 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 283.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 283 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vogtild, von Reichbauer, Warnke, West, Williams, Zimmerman - 47.

Excused: Senators Craswell, Wojahn - 2.

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.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 289, by Committee on Local Government (originally sponsored by Representatives Nutley, L. Smith, Haugen, Brough and Cooper)

Revising regulation of public dances and recreational activities.

The bill was read the second time.

#### MOTION

On motion of Senator Halsan, the rules were suspended, Substitute House Bill No. 289 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 289.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 289 and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vogtild, von Reichbauer, Warnke, West, Williams, Zimmerman - 46.

Absent: Senator McDonald - 1.

Excused: Senators Craswell, Wojahn - 2.

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.

## SECOND READING

ENGROSSED 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.

## MOTION

On motion of Senator Bender, the rules were suspended, Engrossed House Bill No. 338 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 338.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 338 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Zimmerman - 47.

Excused: Senators Craswell, Wojahn - 2.

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.

## SECOND READING

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.

## MOTION

On motion of Senator Bender, the rules were suspended, House Bill No. 395 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 395.

## ROLL CALL

The Secretary called the roll on final passage of House Bill No. 395 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Zimmerman - 47.

Excused: Senators Craswell, Wojahn - 2.

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.

## SECOND READING

ENGROSSED 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.

## MOTIONS

On motion of Senator Bender, the following Committee on Transportation amendments were considered simultaneously and not adopted:

On page 1, line 26, after "section" strike "6, chapter \_\_\_\_\_ (HB 394)" and insert "7, chapter \_\_\_\_\_ (SHB 1037)"

On page 2, line 12, after "section" strike "6, chapter \_\_\_\_\_ (HB 394)" and insert "7, chapter \_\_\_\_\_ (SHB 1037)"

On page 7, line 1, after "chapter \_\_\_\_\_" strike "(HB 397)" and insert "(SB 5732)"

On motion of Senator Bender, the following amendments were considered simultaneously and adopted:

On page 1, line 26, after "that", strike all material through "1987" on line 27 and insert "is (1) consistent with state, regional, and local transportation plans, (2) necessitated by existing or reasonably foreseeable congestion levels attributable to economic growth, and (3) partially funded by local government or private developer contributions, or a combination of such contributions"

On page 2, line 11, after "that", strike all material through "1987" on line 12 and insert "is (1) consistent with state, regional, and local transportation plans, (2) necessitated by existing or reasonably foreseeable congestion levels attributable to economic growth, and (3) partially funded by local government or private developer contributions, or a combination of such contributions"

On motion of Senator Bender, the following title amendment was adopted:

On page 7, line 1, after "chapter ....." strike "(HB 397)" and insert "(SB 5732)"

## MOTION

On motion of Senator Bender, the rules were suspended. Engrossed House Bill No. 396, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## POINT OF INQUIRY

Senator Rasmussen: "Senator Bender, does this bill contain the powers of eminent domain? Do the people have a chance--the voters have a chance to approve it? You said the voters would have approval of all this."

Senator Bender: "My understanding is that it still has the power of eminent domain in there--the local government has."

Senator Rasmussen: "Yes, and this is using the power of eminent domain for jointly working with developers?"

Senator Bender: "No, what happens is the people who are controlling these benefit districts are your local government officials, not the developers."

Senator Rasmussen: "Well, the whole purpose of the bill is to go in and work with developers."

Senator Bender: "The purpose of the bill is to allow the private sector to work with local government and state government to try to improve the problems that are created by economic growth. This is one aspect in terms of creating these transportation benefit districts and then allowing the voters to levy on themselves, if they so decide through the ballot process, to levy either a type of LID or whatever they decide to do in terms of trying to finance these local projects around the state."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 396, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 396, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 29; nays, 19; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kiskaddon, Kreidler, McDermott, McDonald, Moore, Nelson, Owen, Peterson, Rinehart, Sellar, Smitherman, Talmadge, Tanner, Vogniild, Warnke, Williams - 29.

Voting nay: Senators Anderson, Benitz, Cantu, Craswell, Decchio, Hayner, Johnson, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Rasmussen, Saling, Stratton, von Reichbauer, West, Zimmerman - 19.

Excused: Senator Wojahn - 1.

ENGROSSED HOUSE BILL NO. 396, 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.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 523, by Committee on Environmental Affairs (originally sponsored by Representatives Hine and Allen)

Providing for the financing of pollution control facilities.

The bill was read the second time.

#### MOTIONS

On motion of Senator Kreidler, the following Committee on Parks and Ecology amendment was adopted:

On page 4, line 20, after "chapter," insert "Nothing in this section shall be construed to permit a public body to advance funds to a private service provider pursuant to a grant or loan before services have been rendered or material furnished."

On motion of Senator Kreidler, the rules were suspended, Substitute House Bill No. 523, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 523, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 523, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yeas: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Zimmerman - 47.

Absent: Senator Rinehart - 1.

Excused: Senator Wojahn - 1.

SUBSTITUTE HOUSE BILL NO. 523, 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.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 630, by Committee on Transportation (originally sponsored by Representatives Zellinsky, Schmidt, Gallagher and Haugen)

Revising certain pilotage requirements.

The bill was read the second time.

#### MOTIONS

Senator Bender moved that the following Committee on Transportation amendment be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 18, Laws of 1935 as last amended by section 1, chapter 207, Laws of 1979 ex. sess. and RCW 88.16.010 are each amended to read as follows:

(1) The board of pilotage commissioners of the state of Washington is hereby created and shall consist of the assistant secretary of marine transportation of the department of transportation of the state of Washington, or the assistant secretary's designee who shall be an employee of the ((department of transportation)) marine division, who shall be chairperson, and six members appointed by the governor and confirmed by the senate. Each of said appointed commissioners shall be appointed for a term of four years from the date of said member's commission. No person shall be eligible for appointment to said board unless that person is at the time of appointment eighteen years of age or over and a citizen of the United States and of the state of Washington. Two of said appointed commissioners shall be pilots licensed under this chapter and actively engaged in piloting upon the waters covered by this chapter for at least three years immediately preceding the time of appointment and while serving on the board. One pilot shall be from the Puget Sound pilotage district and one shall be from the

Grays Harbor pilotage district. Two of said appointed commissioners shall be actively engaged in the ownership, operation, or management of deep sea cargo and/or passenger carrying vessels for at least three years immediately preceding the time of appointment and while serving on the board. One of said shipping commissioners shall be a representative of American and one of foreign shipping. The remaining commissioners shall be persons interested in and concerned with pilotage, maritime safety, and marine affairs, with broad experience related to the maritime industry exclusive of experience as either a state licensed pilot or as a shipping representative.

~~(2) ((Pilotage commissioners holding commissions on September 21, 1977, shall continue to hold their office subject to reappointment by the governor and confirmation by the senate. The appointed commissioners shall continue to hold office for the period for which they are appointed and until their successors are appointed and qualified, except that the governor when first appointing commissioners after September 21, 1977, shall appoint the pilot representatives to terms of two and three years respectively, the shipping representatives to terms of two and three years respectively, and the remaining commissioners to terms of three and four years respectively.))~~ Any vacancy in an appointed position on the board shall be filled by the governor for the remainder of the unexpired term, subject to confirmation by the senate.

(3) Four members of the board shall constitute a quorum. At least one pilot, one shipping representative, and one public member must be present at every meeting. All commissioners and the chairperson shall have a vote.

Sec. 2. Section 14, chapter 18, Laws of 1935 as amended by section 9, chapter 15, Laws of 1967 and RCW 88.16.040 are each amended to read as follows:

Any member of the board shall have power to administer oaths in any matter before the board for consideration or inquiry and to issue subpoenas requiring witnesses to appear before the board. Such subpoenas shall be signed by a member of the board and issued in the name of the state of Washington and be served and returned, and mileage and witness fees shall be paid in like manner and effect as in a civil action. A witness wilfully disobeying such subpoena served upon ~~(him)~~ the witness shall be proceeded against upon complaint of the board to the attorney general or the prosecuting attorney of the county where ~~(his)~~ the attendance of the witness was demanded as for a contempt of the authority of the superior court of said county.

Sec. 3. Section 3, chapter 18, Laws of 1935 as last amended by section 2, chapter 207, Laws of 1979 ex. sess. and RCW 88.16.050 are each amended to read as follows:

This chapter shall apply to the pilotage districts of this state as defined in this section.

(1) "Puget Sound pilotage district", whenever used in this chapter, shall be construed to mean and include all the waters of the state of Washington inside the international boundary line between the state of Washington, the United States and the province of British Columbia, Canada and east of one hundred twenty-three degrees twenty-four minutes west longitude.

(2) "Grays Harbor pilotage district" shall include all inland waters, channels, waterways, and navigable tributaries within Grays Harbor and Willapa Harbor. The boundary line between Grays Harbor and Willapa Harbor and the high seas shall be ~~((a line drawn from Grays Harbor bar range rear light to Grays Harbor entrance lighted whistle buoy two; then to Grays Harbor light))~~ defined by the board.

Sec. 4. Section 6, chapter 18, Laws of 1935 as last amended by section 13, chapter 337, Laws of 1977 ex. sess. and RCW 88.16.120 are each amended to read as follows:

No pilot shall charge, collect or receive and no person, firm, corporation or association shall pay for pilotage or other services performed hereunder any greater, less or different amount, directly or indirectly, than the rates or charges herein established or which may be hereafter fixed by the board pursuant to this chapter. Any pilot, person, firm, corporation or association violating the provisions of this section shall be guilty of a misdemeanor and shall be punished pursuant to RCW 88.16.150 as now or hereafter amended, said prosecution to be conducted by the attorney general or the prosecuting attorney of any county wherein the offense or any part thereof was committed.

Sec. 5. Section 10, chapter 18, Laws of 1935 as last amended by section 8, chapter 337, Laws of 1977 ex. sess. and RCW 88.16.150 are each amended to read as follows:

(1) In all cases where no other penalty is prescribed in this chapter, any violation of this chapter or of any rule or regulation of the board shall be punished as a gross misdemeanor, and all violations may be prosecuted in any court of competent jurisdiction in any county where the offense or any part thereof was committed. In any case where the offense was committed upon a ship, boat or vessel, and there is doubt as to the proper county, the same may be prosecuted in any county through any part of which the ship, boat or vessel passed, during the trip upon which the offense was committed. All fines collected for any violation of this chapter or any rule or regulation of the board shall within thirty days be paid by the official collecting the same to the state treasurer and shall be credited to the pilotage account: PROVIDED, That all fees, fines, forfeitures and penalties collected or assessed by a justice court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended.

(2) Notwithstanding any other penalty imposed by this section, any person who shall violate the provisions of this chapter, shall be liable to a maximum civil penalty of five thousand dollars. The board may request the attorney general or the prosecuting attorney of the county in which any violation of this chapter occurs to bring an action for imposing the civil penalties provided for in this subsection.

Moneys collected from civil penalties shall be deposited in the pilotage account.

(3) Any master of a vessel who shall knowingly fail to inform the pilot dispatched to said vessel or any agent, owner, or operator, who shall knowingly fail to inform the pilot dispatcher, or any dispatcher who shall knowingly fail to inform the pilot actually dispatched to said vessel of any special directions mandated by the coast guard captain of the port under authority of the Ports and Waterways Safety Act of 1972, as amended, for the handling of such vessel shall be guilty of a gross misdemeanor.

NEW SECTION. Sec. 6. A new section is added to chapter 88.16 RCW to read as follows:

Any steamship company or agent may submit a request in writing to the board that a particular pilot not be assigned to pilot that company's vessels. The request shall be based on specific safety concerns of the steamship company or agent.

The board shall notify interested persons and hold a hearing on that request, and either approve or disapprove the request. If the request is approved, the board shall notify the affected pilot and give the pilot a specific list of vessels for which that pilot shall not provide pilotage services."

Senator Bottiger moved that the following amendment to the Committee on Transportation amendment be adopted:

On page 2, beginning on line 24, after "affairs," strike all material down to and including "representative." on line 28 and insert "~~((with broad experience related to the maritime industry exclusive of experience as either a state licensed pilot or as a shipping representative)) and shall not have been a state licensed pilot or an employee of a company which owns or operates deep sea cargo or passenger carrying vessels for ten years preceding the appointment and shall not have any direct financial interest related to pilotage or with a company which owns or operates deep sea cargo or passenger carrying vessels.~~"

#### POINT OF INQUIRY

Senator Talmadge: "Senator Bottiger, I have a suspicion as to what this amendment is calculated to do. Is it your intention to affect the present makeup of the Board of Pilotage?"

Senator Bottiger: "It is not my intention. The current Board of Pilotage fits and there is a citizen member. The next appointment that would come up would be a citizen member. All of the current members sitting meet the requirements as the bill is reported out of committee."

Senator Talmadge: "I am talking about your amendment, Senator Bottiger. Is it your understanding your amendment would not disenfranchise any present member of the Board?"

Senator Bottiger: "That is my intention, that it not disenfranchise any member of the Board."

#### POINT OF INQUIRY

Senator Metcalf: "Senator Bottiger, is there any member of the Board that is not yet confirmed?"

Senator Bottiger: "Senator, I am not trying to get at any of the current members. As the new appointments come up--one side is the shippers and one side is the pilots, this is where they negotiate the rates and this is where the fees are charged and the agreements are made. I would like to have the tie breaker really represent neither side. Now, I've agreed to ten years past experience, but it is not my intent to get at Mr. Soriano or anyone else who I object to, because they didn't fit the cycle in the past."

The President declared the question before the Senate to be adoption of the amendment by Senator Bottiger to the Committee on Transportation amendment.

The motion by Senator Bottiger carried and the amendment to the committee amendment was adopted.

#### MOTION

Senator DeJarnatt moved that the following amendment by Senators DeJarnatt, Owen, Hansen, Bauer, Pullen, Benitz and Stratton to the Committee on Transportation amendment be adopted:

On page 7, line 23, after "misdemeanor," strike everything down to and including "services." on page 8, line 5

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senators DeJarnatt, Owen, Hansen, Bauer, Pullen, Benitz and Stratton to the Committee on Transportation amendment.

The motion by Senator DeJarnatt failed and the amendment to the committee amendment was not adopted.

The President declared the question before the Senate to be adoption of the Committee on Transportation amendment, as amended.

The motion by Senator Bender carried, and the committee amendment, as amended, was adopted.

#### MOTION

On motion of Senator Bender, the rules were suspended, Substitute House Bill No. 630, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 630, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 630, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; nays, 2; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vogndild, von Reichbauer, Warnke, West, Williams, Zimmerman - 46.

Voting nay: Senators Moore, Pullen - 2.

Excused: Senator Wojahn - 1.

SUBSTITUTE HOUSE BILL NO. 630, 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.

#### SECOND READING

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.

#### MOTION

Senator Tanner moved that the following amendment by Senators Tanner, Zimmerman and Bottiger be adopted:

On page 1, after line 18, insert the following:

\*Sec. 2. 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 and except annual community celebration events if the proceeds of the events are used exclusively for the purposes for which the nonprofit organization, association, or corporation is organized, 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.

Sec. 3. Section 7, chapter 40, Laws of 1973 2nd ex. sess. as last amended by section 7, chapter 220, Laws of 1984 and RCW 84.36.805 are each amended to read as follows:

In order to be exempt pursuant to RCW 84.36.030, 84.36.035, 84.36.037, 84.36.040, 84.36.045, 84.36.047, 84.36.050, 84.36.060, 84.36.350, and 84.36.480, the nonprofit organizations, associations or corporations shall satisfy the following conditions:

(1) The property is used exclusively for the actual operation of the activity for which exemption is granted and does not exceed an amount reasonably necessary for that purpose, except:

(a) The loan or rental of the property does not subject the property to tax if:

(i) Except for the exemption under RCW 84.36.037, the rents and donations received for the use of the portion of the property are reasonable and do not exceed the maintenance and operation expenses attributable to the portion of the property loaned or rented; and

(ii) Except for the exemption under RCW 84.36.037, the property would be exempt from tax if owned by the organization to which it is loaned or rented;

(b) The use of the property for fund-raising activities does not subject the property to tax if the fund-raising activities are consistent with the purposes for which the exemption is granted;

(2) The property is irrevocably dedicated to the purpose for which exemption has been granted, and on the liquidation, dissolution, or abandonment by said organization, association, or corporation, said property will not inure directly or indirectly to the benefit of any shareholder or individual, except a nonprofit organization, association, or corporation which too would be entitled to property tax exemption: PROVIDED, That the provision of this subsection shall not apply to those qualified for exemption pursuant to RCW 84.36.040 if the property used for the purpose stated is either leased or rented;

(3) The facilities and services are available to all regardless of race, color, national origin or ancestry;

(4) The organization, association, or corporation is duly licensed or certified where such licensing or certification is required by law or regulation;

(5) Property sold to organizations, associations, or corporations with an option to be repurchased by the seller shall not qualify for exempt status;

(6) The director of the department of revenue shall have access to its books in order to determine whether such organization, association, or corporation is exempt from taxes within the intent of RCW 84.36.030, 84.36.035, 84.36.037, 84.36.040, 84.36.045, 84.36.047, 84.36.050, 84.36.060, 84.36.350, and 84.36.480.\*

Renumber the sections consecutively and correct internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senators Tanner, Zimmerman and Bottiger.

The motion by Senator Tanner carried and the amendment was adopted.

#### MOTIONS

On motion of Senator Halsan, the following title amendment was adopted:

On page 1, line 1, of the title, after "treasurers," insert "amending 84.36.037, 84.36.805."

On motion of Senator Halsan, the rules were suspended, House Bill No. 698, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 698, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of House Bill No. 698, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar,



Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Zimmerman - 48.

Excused: Senator Wojahn - 1.

HOUSE BILL NO. 698, 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.

## SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 83, by Committee on Transportation (originally sponsored by Representatives Baugher, Prince, Grant, Lewis, Scott, Ballard, J. Williams, Jacobsen, S. Wilson, Lux, Basich, Patrick, Walk, Gallagher, Zellinsky, Haugen, Schmidt, 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)

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

The bill was read the second time.

## MOTIONS

Senator Smitherman moved that the following Committee on Transportation amendment be adopted:

Strike everything after the enacting clause and insert the following:

\*Sec. 1. Section 6, chapter 169, Laws of 1963 as last amended by section 1, chapter 369, Laws of 1977 ex. sess. and RCW 46.29.060 are each amended to read as follows:

The provisions of this chapter, requiring deposit of security and suspensions for failure to deposit security, subject to certain exemptions, shall apply to the driver and owner of any vehicle of a type subject to registration under the motor vehicle laws of this state which is in any manner involved in an accident within this state, which accident has resulted in bodily injury or death of any person or damage to the property of any one person (~~of three hundred dollars or more~~) to an apparent extent equal to or greater than the minimum amount established by rule adopted by the director. The director shall adopt rules establishing the property damage threshold at which the provisions of this chapter apply with respect to the deposit of security and suspensions for failure to deposit security. Beginning October 1, 1987, the property damage threshold shall be five hundred dollars. The thresholds shall be revised when necessary, but not more frequently than every two years. The revisions shall only be for the purpose of recognizing economic changes as reflected by an inflationary index recommended by the office of financial management. The revisions shall be guided by the change in the index for the time period since the last revision and by the threshold established by the chief of the Washington state patrol for the filing of accident reports as provided in RCW 46.52.030.

Sec. 2. Section 2, chapter 11, Laws of 1979 as last amended by section 1, chapter 30, Laws of 1981 and RCW 46.52.030 are each amended to read as follows:

(1) The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to the property of any one person to an apparent extent (~~of three hundred dollars or more~~) equal to or greater than the minimum amount established by rule adopted by the chief of the Washington state patrol in accordance with subsection (5) of this section, shall, within twenty-four hours after such accident, make a written report of such accident to the chief of police of the city or town if such accident occurred within an incorporated city or town or the county sheriff or state patrol if such accident occurred outside incorporated cities and towns. Nothing in this subsection prohibits accident reports from being filed by drivers where damage to property is less than the minimum amount.

(2) ~~(If such accident was not investigated by a law enforcement officer.)~~ The original of such report shall be immediately forwarded by the authority receiving such report to the chief of the Washington state patrol at Olympia, Washington, and the second copy of such report to be forwarded to the department of licensing at Olympia, Washington.

(3) ~~(If such accident was investigated by a law enforcement officer, the original of each driver's report required by subsection (1) of this section shall be retained by the local law enforcement agency where the accident occurred, and the second copy shall be forwarded to the department of licensing at Olympia, Washington.~~

(4)) Any law enforcement officer who investigates an accident for which a driver's report is required under subsection (1) of this section shall submit an investigator's report as required by RCW 46.52.070.

~~((5))~~ (4) The chief of the Washington state patrol may require any driver of any vehicle involved in an accident, of which report must be made as provided in this section, to file supplemental reports whenever the original report in his opinion is insufficient, and may likewise require witnesses of any such accident to render reports. For this purpose, the chief of the

Washington state patrol shall prepare and, upon request, supply to any police department, coroner, sheriff, and any other suitable agency or individual, sample forms of accident reports required hereunder, which reports shall be upon a form devised by the chief of the Washington state patrol and shall call for sufficiently detailed information to disclose all material facts with reference to the accident to be reported thereon, including the location, the cause, the conditions then existing, and the persons and vehicles involved, personal injury or death, if any, the amounts of property damage claimed, the total number of vehicles involved, whether the vehicles were legally parked, legally standing, or moving, and whether such vehicles were occupied at the time of the accident. Every required accident report shall be made on a form prescribed by the chief of the Washington state patrol and each authority charged with the duty of receiving such reports shall provide sufficient report forms in compliance with the form devised. The report forms shall be designated so as to provide that a copy may be retained by the reporting person.

(5) The chief of the Washington state patrol shall adopt rules establishing the accident-reporting threshold for property damage accidents. Beginning October 1, 1987, the accident-reporting threshold for property damage accidents shall be five hundred dollars. The accident-reporting threshold for property damage accidents shall be revised when necessary, but not more frequently than every two years. The revisions shall only be for the purpose of recognizing economic changes as reflected by an inflationary index recommended by the office of financial management. The revisions shall be guided by the change in the index for the time period since the last revision.

Sec. 3. Section 46.52.120, chapter 12, Laws of 1961 as last amended by section 1, chapter 99, Laws of 1984 and RCW 46.52.120 are each amended to read as follows:

(1) The director shall keep a case record on every motor vehicle driver licensed under the laws of this state, together with information on each driver, showing all the convictions and findings of traffic infractions certified by the courts, together with an index cross-reference record of each accident reported relating to such individual with a brief statement of the cause of the accident. The chief of the Washington state patrol shall furnish the index cross-reference record to the director, with reference to each driver involved in the reported accidents.

(2) The case record shall be maintained in two parts.

(a) One part shall be the employment driving record of the person. This part shall include all motor vehicle accidents in which the person is involved while the person is driving a ((commercial)) motor vehicle as an employee of another or an owner-operator, all convictions of the person for violation of the motor vehicle laws while the person is driving a ((commercial)) motor vehicle as an employee of another or an owner-operator, and all findings that the person has committed a traffic infraction while the person is driving a ((commercial)) motor vehicle as an employee of another or an owner-operator. The same reports shall be entered when the person is a law enforcement officer or fire fighter as defined in RCW 41.26.030, or a state patrol officer, and is driving an official police, state patrol, or fire department vehicle in the course of their official duties.

(b) The other part shall include all other accidents, convictions, and findings that the person has committed a traffic infraction.

(3) Such records shall be for the confidential use of the director and the chief of the Washington state patrol and for such police officers or other cognizant public officials as may be designated by law. Such case records shall not be offered as evidence in any court except in case appeal is taken from the order of the director, suspending, revoking, canceling, or refusing a vehicle driver's license.

(4) The director shall tabulate and analyze vehicle driver's case records and suspend, revoke, cancel, or refuse a vehicle driver's license to a person when it is deemed from facts contained in the case record of such person that it is for the best interest of public safety that such person be denied the privilege of operating a motor vehicle. Whenever the director orders the vehicle driver's license of any such person suspended, revoked, or canceled, or refuses the issuance of a vehicle driver's license, such suspension, revocation, cancellation, or refusal is final and effective unless appeal from the decision of the director is taken as provided by law."

On motion of Senator Smitherman, the following amendment to the Committee on Transportation amendment was adopted:

On page 7, after line 31, insert the following:

**NEW SECTION, Sec. 4.** A new section is added to chapter 46.20 RCW to read as follows:

The department may provide a method to distinguish the driver's license of a person who is under the age of twenty-one from the driver's license of a person who is twenty-one years of age or older.

**NEW SECTION, Sec. 5.** The following acts or parts of acts are each repealed:

(1) Section 8, chapter 167, Laws of 1967, section 42, chapter 292, Laws of 1971 ex. sess. and RCW 46.20.011;

(2) Section 46.20.102, chapter 12, Laws of 1961, section 12, chapter 121, Laws of 1965 ex. sess., section 2, chapter 167, Laws of 1967, section 5, chapter 61, Laws of 1979 and RCW 46.20.102; and

(3) Section 46.20.104, chapter 12, Laws of 1961, section 13, chapter 121, Laws of 1965 ex. sess., section 3, chapter 167, Laws of 1967, section 44, chapter 292, Laws of 1971 ex. sess. and RCW 46.20.104."

The President declared the question before the Senate to be adoption of the Committee on Transportation amendment, as amended.

The motion by Senator Smitherman carried and the committee amendment, as amended, was adopted.

#### MOTIONS

On motion of Senator Smitherman, the following title amendments were considered simultaneously and adopted:

On line 1 of the title, after "reports;" strike the remainder of the title and insert "amending RCW 46.29.060, 46.52.030, and 46.52.120."

On page 8, line 5, after ".120" insert "; adding a new section to chapter 46.20 RCW; and repealing RCW 46.20.011, 46.20.102, and 46.20.104"

On motion of Senator Smitherman, the rules were suspended, Engrossed Substitute House Bill No. 83, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 83, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 83, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; absent, 3; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Zimmerman - 45.

Absent: Senators Conner, Halsan, Moore - 3.

Excused: Senator Wojahn - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 83, 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 PRESIDENT

The President signed:

SENATE BILL NO. 5032,

SUBSTITUTE SENATE BILL NO. 5089,

SUBSTITUTE SENATE BILL NO. 5150,

SENATE BILL NO. 5936,

SENATE JOINT MEMORIAL NO. 8000.

#### SECOND READING

ENGROSSED 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.

#### MOTIONS

On motion of Senator Vognild, the following Committee on Transportation amendments were considered simultaneously and adopted:

On page 1, line 7, after "pilot" strike "after January 1, 1970" and insert "((after January 1, 1970))"

On page 1, line 27, after "consisting of" insert "those items prescribed by the department of transportation, which shall include, at least"

On page 2, line 2, after "candle" strike "not less than four inches in length" and insert "and/or another fire-starting device"

Senator Patterson moved that the following amendments be considered simultaneously and adopted:

On page 1, line 13, after "school" insert ", with the exception of solo flights by students"  
 On page 2, line 6, after "school" insert ", with the exception of solo flights by students"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendments by Senator Patterson.

The motion by Senator Patterson carried and the amendments were adopted.

#### MOTION

On motion of Senator Bender, the rules were suspended, Engrossed House Bill No. 701, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 701, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 701, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yeas: Senators Anderson, Bailey, Barr, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Taimadge, Tanner, Vognilid, von Reichbauer, Warnke, West, Williams, Zimmerman - 47.

Absent: Senator Bauer - 1.

Excused: Senator Wojahn - 1.

ENGROSSED HOUSE BILL NO. 701, 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.

#### SECOND READING

HOUSE BILL NO. 748, by Representatives Baugher, Day, D. Sommers, Doty, Dellwo, Hankins, Cooper and Berozoff (by request of Urban Arterial Board)

Changing apportionment provisions for funds in the urban arterial trust account.

The bill was read the second time.

#### MOTIONS

On motion of Senator Bender, the following Committee on Transportation amendment was adopted:

On page 3, after line 25, insert the following:

"Sec. 2. Section 6, chapter 171, Laws of 1969 ex. sess. as amended by section 3, chapter 126, Laws of 1973 1st ex. sess. and RCW 47.26.450 are each amended to read as follows:

At the time the urban arterial board reviews the six-year program of each county and city each even-numbered year, it shall consider and shall approve for inclusion in its recommended budget, as required by RCW 47.26.440, the portion of the urban arterial construction program scheduled to be performed during the biennial period beginning the following July 1st. Subject to the appropriations actually approved by the legislature, the board shall as soon as feasible approve urban arterial trust account funds to be spent during the ensuing biennium for preliminary proposals in priority sequence as established pursuant to RCW 47.26.240. In the case of projects whose total cost exceeds one million dollars as reflected in the six-year program, the agency with jurisdiction shall furnish to the board a value engineering study performed by an interagency team approved by the board, to determine whether the proposed improvement provides a cost-effective solution for the project before the board may approve urban arterial trust funds for either the preliminary or construction phase of the project. The board may authorize a variance from the value engineering study upon a determination that the study is not warranted. The board may also require a value engineering study for a project whose total cost is less than one million dollars upon a determination by the board that the study is warranted.

The board shall authorize urban arterial trust account funds for the construction project portion of a project previously authorized for a preliminary proposal in the sequence in which the preliminary proposal has been completed and the construction project is to be placed

under contract. At such time the board may reserve urban arterial trust account funds for expenditure in future years as may be necessary for completion of preliminary proposals and construction projects to be commenced in the ensuing biennium.

The urban arterial board may, within the constraints of available urban arterial trust funds, consider additional projects for authorization upon a clear and conclusive showing by the submitting local government that the proposed project is of an emergent nature and that its need was unable to be anticipated at the time the six-year program of the local government was developed. Such proposed projects shall be evaluated on the basis of the priority rating factors specified in RCW 47.26.220."

On motion of Senator Bender, the following title amendment was adopted:  
On line 2 of the title, after "47.26.190" and before the period, insert "and 47.26.450"

#### MOTION

On motion of Senator Bender, the rules were suspended, House Bill No. 748, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 748, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of House Bill No. 748, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Zimmerman - 48.

Excused: Senator Wojahn - 1.

HOUSE BILL NO. 748, 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.

#### MOTION

At 5:01 p.m. on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 6:21 p.m. by President Cherberg.

#### SECOND READING

HOUSE BILL NO. 825, by Representatives Walk and Fisher

Revising motor vehicle fund uses.

The bill was read the second time.

#### MOTION

On motion of Senator Vognild, the rules were suspended, House Bill No. 825 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 825.

#### ROLL CALL

The Secretary called the roll on final passage of House Bill No. 825 and the bill passed the Senate by the following vote: Yeas, 46; absent, 2; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Zimmerman - 46.

Absent: Senators Benitz, Owen - 2.

Excused: Senator Wojahn - 1.

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.

There being no objection, the President returned the Senate to the first order of business.

#### REPORT OF STANDING COMMITTEE

April 16, 1987

HB 1228 Prime Sponsor, Representative Armstrong: Changing provisions relating to criminal penalties for, criminal sentences for, education regarding and treatment for alcohol and substance abuse. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; Bottiger, McCaslin, Moore, Nelson, Newhouse.

#### MOTION

On motion of Senator Vognild, the rules were suspended, House Bill No. 1228 was advanced to second reading and placed on the second reading calendar.

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

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 776, by Committee on Education (originally sponsored by Representatives Cole, Holm, Taylor, Betrozoff, Ebersole, Brough, May, Amondson, Schoon, Silver and L. Smith)

Removing the requirement that hearing officers for school employee cases be attorneys.

The bill was read the second time.

#### MOTIONS

On motion of Senator Gaspard, the following Committee on Education amendments were considered simultaneously and adopted:

On page 2, line 3, after "employee's" strike "nominee" and insert "designee"

On page 2, beginning on line 3, after "one nominee" strike everything through "shall)" on line 6 and insert "~~((each of whom shall be a member in good standing of the Washington state bar association. Within five days following the appointment of such nominees they))~~. The two nominees shall"

On motion of Senator Gaspard, the rules were suspended, Engrossed Substitute House Bill No. 776, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 776, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 776, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yeas: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kriedler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Zimmerman - 48.

Excused: Senator Wojahn - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 776, 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.

## SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8410, by Senators Smitherman, Warnke, Vognild, West, Sellar, Anderson, Lee, Cantu, Williams and Bauer

Supporting the small business conference to be held in October, 1987.

The resolution was read the second time.

## MOTION

On motion of Senator Smitherman, the rules were suspended, Senate Concurrent Resolution No. 8410 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Concurrent Resolution No. 8410.

## .ROLL CALL

The Secretary called the roll on final passage of Senate Concurrent Resolution No. 8410 and the resolution passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Zimmerman - 48.

Excused: Senator Wojahn - 1.

SENATE CONCURRENT RESOLUTION NO. 8410, having received the constitutional majority, was declared passed.

There being no objection, the Senate resumed consideration of House Bill No. 1205 and the pending amendment by Senator West on page 1, line 34, to the Committee on Ways and Means amendment, deferred earlier today.

## RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Bender, the President finds that House Bill No. 1205 is a measure providing for extended grant payments from the water quality account which are not to exceed fifty percent for eligible water pollution control projects.

"The amendment proposed by Senator West to the Committee on Ways and Means amendment provides for appropriations from the water quality account to be fifty percent matching grants for sole-source aquifer protection projects.

"The President, therefore, finds that the proposed amendment does not change the scope and object of the bill and that the point of order is not well taken."

The amendment by Senator West to the committee amendment was ruled in order.

## MOTION

On motion of Senator Vognild, further consideration of House Bill No. 1205 was deferred.

## MOTION

On motion of Senator Bender, Senator Rinehart was excused.

## MOTION

On motion of Senator Vognild, the Senate commenced consideration of Substitute House Bill No. 413.

## SECOND 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 second time.

## MOTIONS

On motion of Senator Talmadge, the following Committee on Judiciary amendment was adopted:

Strike everything after the enacting clause and insert the following:

\*Sec. 1. Section 17, chapter 157, Laws of 1973 1st ex. sess. and RCW 26.09.170 are each amended to read as follows:

(1) Except as otherwise provided in subsection (7) of RCW 26.09.070, the provisions of any decree respecting maintenance or support may be modified only as to installments accruing subsequent to the motion for modification and, except as otherwise provided in subsection (4) of this section, only upon a showing of a substantial change of circumstances. The provisions as to property disposition may not be revoked or modified, unless the court finds the existence of conditions that justify the reopening of a judgment under the laws of this state.

(2) Unless otherwise agreed in writing or expressly provided in the decree the obligation to pay future maintenance is terminated upon the death of either party or the remarriage of the party receiving maintenance.

(3) Unless otherwise agreed in writing or expressly provided in the decree, provisions for the support of a child are terminated by emancipation of the child or by the death of the parent obligated to support the child.

(4) An order of child support may be modified one year or more after it has been entered without showing a substantial change of circumstances:

(a) If the order in practice works a severe economic hardship on either party or the child;

(b) If a party requests an adjustment in an order for child support which was based on guidelines which determined the amount of support according to the child's age, and the child is no longer in the age category on which the current support amount was based;

(c) If a child is still in high school, upon a finding that there is a need to extend support beyond the eighteenth birthday to complete high school; or

(d) To add an automatic adjustment of support provision consistent with RCW 26.09.100.

(5) An obligor's voluntary unemployment or voluntary underemployment, by itself, is not a substantial change of circumstances.

NEW SECTION. Sec. 2. A new section is added to chapter 26.09 RCW to read as follows:

(1) A proceeding for the modification of an order of child support shall commence with the filing of a petition and a supporting financial affidavit. The petition and affidavit shall be in substantially the form prescribed by the administrator for the courts. There shall be a fee of twenty dollars for the filing of a petition for modification of dissolution.

(2) The petitioner shall serve upon the other party the summons, a copy of the petition and affidavit, and a blank copy of a financial affidavit in the form prescribed by the administrator for the courts. If the modification proceeding is the first action filed in this state, service shall be made by personal service. If the decree to be modified was entered in this state, service shall be by personal service or by any form of mail requiring a return receipt. If the support obligation has been assigned to the state pursuant to RCW 74.20.330 and notice has been filed with the court, the summons, petition, and affidavit shall also be served on the office of support enforcement. Proof of service shall be filed with the court.

(3) The responding party's answer and completed financial affidavit shall be served and the answer filed within twenty days after service of the petition or sixty days if served out of state. The responding party's failure to file an answer within the time required shall result in entry of a default judgment for the petitioner.

(4) At any time after responsive pleadings are filed, either party may schedule the matter for hearing.

(5) Unless both parties stipulate to arbitration or the presiding judge authorizes oral testimony pursuant to subsection (6) of this section, a petition for modification of an order of child support shall be heard by the court on affidavits only.

(6) A party seeking authority to present oral testimony on the petition to modify a support order shall file an appropriate motion not later than ten days after the time of notice of hearing. Affidavits and exhibits setting forth the reasons oral testimony is necessary to a just adjudication of the issues shall accompany the petition. The affidavits and exhibits must demonstrate the extraordinary features of the case. Factors which may be considered include, but are not limited to: (a) Substantial questions of credibility on a major issue; (b) insufficient or inconsistent discovery materials not correctable by further discovery; or (c) particularly complex circumstances requiring expert testimony.

(7) The administrator for the courts shall develop and prepare, in consultation with interested persons, model forms or notices for the use of the procedure provided by this section, including a notice advising of the right of a party to proceed with or without benefit of counsel.

Sec. 3. Section 10, chapter 157, Laws of 1973 1st ex. sess. and RCW 26.09.100 are each amended to read as follows:

In a proceeding for dissolution of marriage, legal separation, declaration of invalidity, maintenance, or child support, after considering all relevant factors but without regard to marital misconduct, the court may order either or both parents owing a duty of support to any



child of the marriage dependent upon either or both spouses to pay an amount reasonable or necessary for his support. The court may require annual adjustments of support based upon changes in a party's income or the child's needs, or based upon changes in an index or schedule.

**NEW SECTION.** Sec. 4. 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 motion of Senator Talmadge, the following title amendment was adopted:

On page 1, line 1 of the title, after "orders;" strike the remainder of the title and insert "amending RCW 26.09.170 and 26.09.100; and adding a new section to chapter 26.09 RCW."

#### MOTION

On motion of Senator Talmadge, the rules were suspended, Substitute House Bill No. 413, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 413, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 413, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Decchio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vogtild, von Reichbauer, Warnke, West, Williams, Zimmerman - 47.

Excused: Senators Rinehart, Wojahn - 2.

SUBSTITUTE HOUSE BILL NO. 413, 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.

There being no objection, the Senate resumed consideration of House Bill No. 1205 and the pending amendment by Senator West on page 1, line 34, to the Committee on Ways and Means amendment, ruled in order earlier today.

The President declared the question before the Senate to be adoption of the amendment by Senator West to the Committee on Ways and Means amendment.

The amendment by Senator West to the committee amendment was adopted.

#### MOTION

Senator Anderson moved that the following amendment by Senators Anderson and Conner to the Committee on Ways and Means amendment be adopted:

On page 1, after line 34 insert the following:

Sec. 2. Section 8, chapter 3, laws of 1986 and RCW 70.146.050 are each amended to read as follows:

The department of ecology ((may)) shall provide for a phased in compliance schedule for secondary treatment which addresses local factors that may impede compliance with secondary treatment requirements of the federal clean water act. Compliance schedules may be extended up to December 31, 1995.

In determining the length of time to be granted for compliance, the department shall consider the ((criteria specified in the federal clean water act)) following:

(1) The quality of receiving waters and any potential impact on public health;  
 (2) The amount of grant or loan moneys available to assist the public body in the planning, design, acquisition, construction, and improvement of water pollution control facilities and related activities;

(3) The cost to ratepayers if they had to finance water pollution control facilities and activities without state assistance; and

(4) The economic condition of the county or city, or if it is another public body under consideration, the economic condition of the city or county in which the public body is located.

**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."

## POINT OF ORDER

Senator Talmadge: "Mr. President, I raise the point of order that the amendment by Senators Anderson and Conner expands the scope and object of House Bill No. 1205. House Bill No. 1205 started out as a consent calendar bill. The amendment by Senator Anderson deals with compliance schedules for compliance with secondary treatment. It deals with the issue of quality of the receiving waters into which pollutants would be discharged. I think it clearly expands the scope and object of the bill that dealt with the allocation of money from a water quality account."

Further debate ensued.

## MOTION

On motion of Senator Vognild, further consideration of House Bill No. 1205 was deferred.

President Pro Tempore Rasmussen assumed the chair.

## MOTION

On motion of Senator Vognild, the Senate commenced consideration of Engrossed Second Substitute House Bill No. 456.

## SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 456, by Committee on Ways and Means (originally sponsored by Representatives Spanel, Ebersole, Dellwo, Zellinsky, P. King, Wang, Holm, Valle, Haugen, Cole, Appelwick, O'Brien, Pruitt, Hine, Locke, Winsley, Rayburn, Unsoeld, Rasmussen, K. Wilson, Sprenkle, R. King, McMullen and Miller) (by request of Governor Gardner)

Establishing programs to enhance students' ability to learn.

The bill was read the second time.

## MOTIONS

Senator Gaspard moved that the following Committee on Education amendment be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION, Sec. 1. The long-term social, community welfare, and economic interests of the state will be served by an investment in our children. Conclusive studies and experiences show that providing children with certain developmental experiences and effective parental guidance can greatly improve their performance in school as well as increase the likelihood of their success as adults. National studies have also confirmed that special attention to, and educational assistance for, children and their school environment is the most effective way in which to meet the state's social and economic goals.

The legislature intends to enhance the readiness to learn of certain children and students by: Providing for an expansion of the state early childhood education and assistance program for children from low-income families and establishing an adult literacy program for certain parents; assisting school districts to establish elementary counseling programs; instituting a program to address learning problems due to drug and alcohol use and abuse; and establishing a program directed at students who leave school before graduation.

The legislature intends further to establish programs that will allow for parental, business, and community involvement in assisting the school systems throughout the state to enhance the ability of children to learn.

PART I  
READINESS TO LEARN

Sec. 101. Section 6, chapter 418, Laws of 1985 and RCW 28A.34A.060 are each amended to read as follows:

The department shall adopt rules under chapter 34.04 RCW for the establishment of the preschool program, not later than six months after the effective date of this act. Federal head start program criteria, including set aside provisions for the children of seasonal and migrant farmworkers and native American populations living either on or off reservation, to the extent practicable, shall be considered as guidelines for the state preschool early childhood assistance program.

The department in developing rules for the preschool program shall consult with the advisory committee, and shall consider such factors as coordination with existing head start and

other preschool programs, the preparation necessary for instructors, qualifications of instructors, adequate space and equipment, and special transportation needs. The rules shall specifically require the preschool programs to provide for parental involvement at a level not less than that provided under the federal head start program criteria.

Sec. 102. Section 9, chapter 418, Laws of 1985 and RCW 28A.34A.090 are each amended to read as follows:

For the ~~((duration))~~ purposes of this ~~((act))~~ chapter, the department may award state support under RCW 28A.34A.010 through 28A.34A.070 to increase the numbers of eligible children assisted by the federal or state-supported preschool programs in this state by up to five thousand additional children. Priority shall be given to groups in those geographical areas which include a high percentage of families qualifying under the federal "at risk" criteria. The overall program funding level shall be based on an average grant ~~((of no more than two thousand seven hundred dollars))~~ per child ~~((to cover all))~~ consistent with state appropriations made for program costs: PROVIDED, That programs addressing special needs of selected groups or communities shall be recognized in the department's rules.

NEW SECTION. Sec. 103. Section 15, chapter 418, Laws of 1985 and RCW 28A.34A.902 are each repealed.

NEW SECTION. Sec. 104. (1) Parents can be the most effective teachers for their children. Providing illiterate or semilliterate parents with opportunities to acquire basic skills and child development knowledge will enhance their ability to assist and support their children in the learning process, and will enhance children's learning experiences in the formal education environment by providing children with the motivation and positive home environment which contribute to enhanced academic performance.

(2) Sections 105 through 109 of this act may be known and cited as project even start.

NEW SECTION. Sec. 105. Unless the context clearly requires otherwise, the definition in this section shall apply throughout sections 106 through 109 of this act.

"Parent" or "parents" means a parent who has less than an eighth grade ability in one or more of the basic skill areas of reading, language arts, or mathematics, as measured by a standardized test, and who has a child or children enrolled in: (1) The state early childhood education and assistance program; (2) a federal head start program; (3) a state or federally funded elementary school basic skills program serving students who have scored below the national average on a standardized test in one or more of the basic skill areas of reading, language arts, or mathematics; or (4) a cooperative nursery school at a community college or vocational technical institute.

NEW SECTION. Sec. 106. (1) The superintendent of public instruction, in consultation with the department of community development, the department of social and health services, the state board for community college education, and community-based, nonprofit providers of adult literacy services, shall develop an adult literacy program to serve eligible parents as defined under section 105 of this act. The program shall give priority to serving parents with children who have not yet enrolled in school or are in grades kindergarten through three.

(2) In addition to providing basic skills instruction to eligible parents, the program may include other program components which may include transportation, child care, and such other directly necessary activities as may be necessary to accomplish the purposes of sections 105 through 109 of this act.

(3) Parents who elect to participate in training or work programs, as a condition of receiving public assistance, shall have the hours spent in parent participation programs, conducted as part of a federal head start program, or the state early childhood education and assistance program under chapter 28A.34A RCW, or parent literacy programs under sections 105 through 109 of this act, counted toward the fulfillment of their work and training obligation for the receipt of public assistance.

(4) State funds as may be appropriated for project even start shall be used solely to expand and complement, but not supplant, federal funds for adult literacy programs.

(5) The superintendent of public instruction shall adopt rules as necessary to carry out the purposes of sections 105 through 109 of this act.

NEW SECTION. Sec. 107. The superintendent of public instruction is authorized and directed, whenever possible, to fund or cooperatively work with existing adult literacy programs and parenting related programs offered through the common school and community college systems, vocational-technical institutes, or community-based, nonprofit organizations to provide services for eligible parents before developing and funding new adult literacy programs to carry out the purposes of project even start.

NEW SECTION. Sec. 108. The superintendent of public instruction shall evaluate and submit to the legislature by January 15, 1988, a report on the effectiveness of project even start. The initial report shall include, if appropriate, recommendations relating to the expansion of project even start. The superintendent shall submit a report to the legislature on project even start every two years after the initial report.

NEW SECTION. Sec. 109. 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 effective parent literacy programs under project even start.

NEW SECTION. Sec. 110. Sections 105 through 109 of this act are each added to Title 28A RCW.

PART II  
THE SCHOOL ENVIRONMENT

NEW SECTION. Sec. 201. A student's ability to learn can be affected by a number of factors, including but not limited to: Parental involvement and support, child abuse and neglect, poverty, family transiency, drug and alcohol abuse, poor nutrition, peer influence, and other factors. Such factors can manifest themselves in forms such as absenteeism and truancy from school, drug and alcohol abuse, delinquency, and dropping out. The legislature finds that the provision of counseling services at the elementary level will enhance the state's commitment to providing comprehensive early childhood education programs and services.

NEW SECTION. Sec. 202. (1) The superintendent of public instruction may grant funds to school districts, from funds appropriated for the purposes of this section, to help districts establish elementary school counseling programs. Grants provided under this section shall be distributed as follows:

(a) For each elementary school building with over three hundred students, one counselor shall be provided; and

(b) For each elementary school building with three hundred or fewer students, one half-time counselor shall be provided.

(2) School districts may enter into cooperative agreements or contract for the provision of counseling services in elementary schools with the appropriate educational service district, or with qualified individuals meeting the requirements of chapter 18.83 RCW, or with a local provider of health care services meeting the requirements of chapter 71.24 RCW: PROVIDED, That when school districts contract for services or enter into cooperative arrangements to provide services, the service provider shall spend the majority of the total time contracted for within the school building or buildings 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 served by the school.

NEW SECTION. Sec. 203. (1) The superintendent of public instruction shall adopt rules as necessary relating to grant application requirements and to the selection of school districts to receive grant awards to carry out the purposes of section 201 of this act.

(2) The rules shall permit school districts to submit a joint application for the purpose of establishing a cooperative elementary counseling program.

(3) The superintendent of public instruction may appoint an advisory committee composed of persons representing, including but not limited to: School directors, school district administrators, elementary building principals, elementary teachers, elementary school counselors, parents, and community mental health professionals to advise the superintendent of the development of grant application requirements and criteria relating to the selection of districts and the award of grant funds.

NEW SECTION. Sec. 204. Sections 202 and 203 of this act are each added to Title 28A RCW.

NEW SECTION. Sec. 205. The citizens of the state of Washington recognize the serious impact of alcohol and drug abuse on a student's self-concept and on the ability of students to learn. Therefore, the substance abuse awareness program is established: (1) To aid students in the development of skills that will assist them in making informed decisions concerning the use of drugs and alcohol; (2) to contribute to the development and support of a drug-free educational environment; and (3) to help school districts in the development of comprehensive drug and alcohol policies leading to the implementation of drug and alcohol programs that contain prevention, intervention, and aftercare components.

NEW SECTION. Sec. 206. The superintendent of public instruction shall adopt rules to implement this section and sections 207 through 211 of this act and shall distribute to school districts on a grant basis, from moneys appropriated for the purposes of this section and sections 207 through 211 of this act, funds for the development and implementation of educational and disciplinary policies leading to the implementation of prevention, intervention, and aftercare activities regarding the use and abuse of drugs and alcohol. The following program areas may be funded through moneys made available for this section and sections 207 through 211 of this act, including but not limited to:

- (1) Comprehensive program development;
- (2) Prevention programs;
- (3) Elementary identification and intervention programs;
- (4) Secondary identification and intervention programs;
- (5) School drug and alcohol core team development and training;
- (6) Development of referral and preassessment procedures;
- (7) Aftercare;
- (8) Drug and alcohol specialist;
- (9) Staff, parent, student, and community training; and

(10) Coordination with law enforcement, community service providers, other school districts, educational service districts, and drug and alcohol treatment facilities.

**NEW SECTION.** Sec. 207. (1) School districts interested in implementing a substance abuse awareness program shall file an application for state funds with the superintendent of public instruction. The application shall include the following:

(a) A letter of commitment from the board of directors to adopt a comprehensive written policy on drugs and alcohol, and a proposed substance abuse awareness program and implementation plan, within six months of receipt of state funding. The comprehensive policy and program shall address the issues of prevention, intervention, aftercare, and disciplinary policies, and shall emphasize cooperation and coordination of services among public and private agencies, including law enforcement agencies. If the district's board of directors has already adopted a comprehensive policy and plan, the district shall submit a copy of the comprehensive policy and plan;

(b) A letter of commitment from the board of directors to appoint a school and community substance abuse advisory committee if such a committee has not been established. The advisory committee shall include representatives of at least the following: The school district instructional staff, students, parents, state and local government law enforcement personnel, and the county coordinator of alcohol and drug treatment, or his or her designee, or a representative of other treatment service providers. If the district has already established an advisory committee but its membership does not include members representing any of the groups identified in this subsection, the board of directors shall appoint an additional member or members, if necessary, accordingly. The advisory committee shall work to help coordinate school district programs and services with programs and services available within the community and thereby contribute toward the development of a continuum of prevention, intervention, and after care services within the total community and to avoid the duplication of services; and

(c) A copy of the district's assessment of the scope of the problem of drug and alcohol abuse within the district, as such use and abuse by individuals affects the learning environment in each school.

(2) The district shall demonstrate its plan to provide local matching funds of an amount equal to at least twenty percent of the state funds that the district is eligible to receive. Matching funds may be funds received from federal programs, other funds available to the district, or in-kind contributions; PROVIDED, That in-kind contributions shall be not more than one-half of the minimum matching funds required.

(3) The district shall provide an outline of procedures for evaluating the effectiveness of the district's substance abuse awareness program.

(4) Joint applications and programs may be undertaken by school districts. Districts which elect to participate in a joint program may file a joint application and establish a joint school and community substance abuse advisory committee.

**NEW SECTION.** Sec. 208. School districts may apply on an annual basis to the superintendent of public instruction for continued funding of a local substance abuse awareness program meeting the provisions of sections 206 through 211 of this act and shall submit an application that includes: (1) Verification of the adoption of comprehensive district policies; (2) proposed changes to the district's substance abuse awareness program, where necessary; (3) proposed areas of expenditures; (4) the district's plan to provide matching funds of an amount to equal at least twenty percent of the state funds for which the district is eligible; (5) a plan for program evaluation; and (6) a report evaluating the effectiveness of the previously funded program one year after the program is implemented, including all the information required in this section.

**NEW SECTION.** Sec. 209. The superintendent of public instruction shall appoint a substance abuse advisory committee comprised of: Representatives of certificated and noncertificated staff; administrators; parents; students; school directors; the bureau of alcohol and substance abuse within the department of social and health services; the traffic safety commission; and county coordinators of alcohol and drug treatment. The committee shall advise the superintendent on matters of local program development, coordination, and evaluation.

**NEW SECTION.** Sec. 210. 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 effective substance abuse programs.

**NEW SECTION.** Sec. 211. If any part of sections 206 through 210 of this act is found to be in conflict with federal requirements which are a prescribed condition to the allocation of federal funds to the state, the conflicting part of sections 206 through 210 of this act is hereby declared to be inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and such finding or determination shall not affect the operation of the remainder of sections 206 through 210 of this act in its application to the agencies concerned. The rules under sections 206 through 210 of this act shall meet federal requirements which are a necessary condition to the receipt of federal funds by the state.

**NEW SECTION.** Sec. 212. Sections 206 through 211 of this act are added to Title 28A RCW.

**NEW SECTION.** Sec. 213. (1) To encourage youth who are considering dropping out of school to remain in school, or youth who have dropped out of school to return to school, it is the

intent of the legislature to aid in the planning and implementation of educational programs for such youth. Furthermore, in recognition that effective assistance at the elementary school level will likely reduce the need for dropout intervention at the secondary level, the legislature intends to encourage early identification of and assistance to students not succeeding in school in the elementary grades.

**NEW SECTION.** Sec. 214. (1) The superintendent of public instruction is authorized and shall grant funds to selected school districts to assist in the development of student motivation, retention, and retrieval programs for youth who are at risk of dropping out of school or who have dropped out of school. The purpose of the state assistance for such school district programs is to provide districts the necessary start-up money which will encourage the development by districts or cooperatives of districts of integrated programs for students who are at risk of dropping out of school or who have dropped out of school.

(2) Funds as may be appropriated for the purposes of this section and sections 215 through 219 of this act shall be distributed to qualifying school districts for initial planning, development, and implementation of educational programs designed to motivate, retain, and retrieve students.

(3) Funds shall be distributed among qualifying school districts on a per pupil basis. To determine the per pupil allocation, the total appropriation for this program shall be divided by the total student population of all qualifying districts as determined on October 1, 1987. The resulting dollar amount shall be multiplied by the total student population of each qualifying school district to determine the maximum grant that each qualifying school district is eligible to receive. No district may receive more than is necessary for planning and implementation activities outlined in the district's grant application.

**NEW SECTION.** Sec. 215. (1) In distributing grant funds, the superintendent of public instruction shall first award funds to each school district with a dropout rate which, as determined by the superintendent of public instruction, is over time in the top twenty-five percent of all districts' dropout rates. The superintendent shall give priority consideration among such qualifying districts to granting funds to those districts where no student motivation, retention, and retrieval programs currently exist.

(2) The superintendent may grant funds to a cooperative of districts which may include one district, or more, whose dropout rate is not in the top twenty-five percent of all districts' dropout rates.

(3) The sum of all grants awarded pursuant to sections 214 through 219 of this act for a particular biennium shall not exceed the amount appropriated by the legislature for such purposes.

**NEW SECTION.** Sec. 216. (1) A district which receives planning funds before the effective date of this section may receive program development or implementation funds.

(2) A district or cooperative of districts shall be eligible to receive program implementation funds once every two years. Funds from each subsequent application by a district or cooperative of districts, however, shall be used to expand the dropout program to additional grades or another school or to initiate a new dropout program. Grants shall not be used to supplant funds of an existing program. The superintendent shall give priority to the effectiveness of district plans and implementation programs before granting additional awards to a school district.

**NEW SECTION.** Sec. 217. The superintendent of public instruction shall adopt rules to carry out the purposes of sections 214 through 219 of this act. The rules adopted by the superintendent of public instruction shall include but not be limited to:

(1) Providing for an annual evaluation of the effectiveness of the program;

(2) Requiring that no less than twenty percent of the moneys from the program implementation grant be used for identification and intervention programs in elementary and middle schools;

(3) Establishing procedures allowing school districts to claim basic education allocation funds for students attending a program conducted under sections 214 through 219 of this act outside the regular school-year calendar, to the extent such attendance is in lieu of attendance within the regular school-year calendar; and

(4) Evaluating the number of children within an applicant district who fail to complete their elementary and secondary education with priority going to districts with dropout rates over time in the top twenty-five percent of all districts' dropout rates.

**NEW SECTION.** Sec. 218. The governor and superintendent of public instruction shall jointly appoint the governor's school dropout prevention task force, cochaired 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 lifelong 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.

NEW SECTION. Sec. 219. 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 effective student motivation, retention, and retrieval programs.

NEW SECTION. Sec. 220. The legislature recognizes that educational clinics provide a necessary and effective service for students who have dropped out of common school programs. Educational clinics have demonstrated success in preparing such youth for productive roles in society and are an integral part of the state's program to address the needs of students who have dropped out of school. The superintendent of public instruction shall distribute funds, consistent with legislative appropriations, allocated specifically for educational clinics in accord with chapter 28A.97 RCW. The legislature encourages school districts to explore cooperation with educational clinics.

Sec. 221. 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 no less than two percent but not to exceed three percent of any district's full-time equivalent enrollment.

NEW SECTION. Sec. 222. Section 21, chapter 278, Laws of 1984 and RCW 28A.03.380 are each repealed.

NEW SECTION. Sec. 223. Sections 214 through 220 of this act are each added to Title 28A RCW.

### PART III COMMUNITY SCHOOL SUPPORT

NEW SECTION. Sec. 301. The legislature finds that citizen involvement in the education of the children of this state is of the utmost importance to the continued vitality of the state. By encouraging and establishing school involvement programs, the legislature intends to create a climate of awareness and support for the educational development of our state's future citizens. The legislature finds that by providing time for employees to become involved with school-age children the welfare of every person in this state will be promoted.

NEW SECTION. Sec. 302. A new section is added to chapter 28A.58 RCW to read as follows:

School districts are encouraged to develop school involvement programs in addition to the policies on parents' access to classrooms and school activities required under RCW 28A.58.053. As part of the school involvement program, school districts' policies and plans should be designed to encourage and accommodate the participation in school activities by persons interested and involved with school-age children. The plans should include encouraging classroom observations, parent-teacher consultations, participation in special programs, school volunteer activities, and participation in policy-making and advisory groups at both the district and building levels.

NEW SECTION. Sec. 303. A new section is added to chapter 28A.58 RCW to read as follows:

School districts are encouraged to provide information to local businesses, organizations, and governmental agencies about their school involvement programs under section 302 of this act. School districts are encouraged to seek suggestions from local businesses, organizations, and governmental agencies about implementing their school involvement programs. School districts may enter into agreements with private businesses and organizations and state and local governmental agencies to facilitate employee participation in the local program.

NEW SECTION. Sec. 304. A new section is added to Title 28A RCW to read as follows:

Employers in this state are encouraged to consider adjustments to the work schedules of individual employees, who are parents of children attending schools in the community, to allow these employees periodic opportunities throughout the school year to visit their children's schools, during the school day, in order to promote and support greater parental involvement with local school districts.

NEW SECTION. Sec. 305. A new section is added to chapter 28A.58 RCW to read as follows:

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 effective school involvement programs.

NEW SECTION. Sec. 306. A new section is added to chapter 41.04 RCW to read as follows:

(1) Any employee of the state of Washington may participate in school involvement programs established pursuant section 302 of this act for up to twenty hours during any calendar year during the regular hours of their employment without any loss in salary, seniority, retirement, or other benefits: PROVIDED, That the employee's absence from his or her job, due to participation in a local school district school involvement program, does not require someone else having to perform the employee's work-related responsibilities.

(2) The twenty hours of leave for school involvement, or so much thereof as may be used, shall be deducted from accrued sick leave. If the employee has no accrued sick leave, the employee may not participate in the program.

NEW SECTION. Sec. 307. A new section is added to chapter 41.06 RCW to read as follows:

The state personnel board shall adopt rules to carry out its duties under section 306 of this act.

**NEW SECTION.** Sec. 308. A new section is added to chapter 28B.16 RCW to read as follows:

The higher education personnel board and related boards, as provided under RCW 28B.16.080, shall adopt rules to carry out their duties under section 306 of this act.

Sec. 309. Section 7, chapter 55, Laws of 1983 1st ex. sess. and RCW 82.12.0284 are each amended to read as follows:

The provisions of this chapter shall not apply in respect to the use of ~~((computers, computer components, computer accessories, or computer software))~~ tangible personal property or services irrevocably donated to and accepted by any public or private nonprofit school or college, as defined under chapter 84.36 RCW, in this state. ~~(For purposes of this section, "computer" means a data processor that can perform substantial computation, including numerous arithmetic or logic operations, without intervention by a human operator during the run) for direct instructional purposes.~~

**NEW SECTION.** Sec. 310. 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 motion of Senator Kiskaddon, the following amendment to the Committee on Education amendment was adopted:

On page 7, after line 27, insert the following

**NEW SECTION.** Sec. 111. (1) The superintendent of public instruction is directed to establish a voluntary, grant-based, parents as first teachers program to provide parents of children up to age three with information and guidance to increase parental confidence and involvement in the educational and social development of their children, and to establish positive home and school partnerships before children enter school to better help children, parents, and school personnel prepare for the children's first public school experiences.

(2) This program shall be a voluntary enrichment program and shall be offered only as funds are available 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.

(3) The superintendent of public instruction may accept, receive, and administer, from public or private sources, such gifts, grants, and contributions as may be expressly provided to support the parents as first teachers program.

**NEW SECTION.** Sec. 112. The parents as first teachers program shall provide 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:

- (1) Understanding and use of language;
- (2) Perception through sight and hearing;
- (3) Motor development and hand-eye coordination; and
- (4) Health, physical development, and emotional, social, and mental development.

**NEW SECTION.** Sec. 113. (1) The superintendent of public instruction shall adopt rules as necessary to carry out the purposes of sections 111 and 112 of this act.

(2) The superintendent of public instruction shall submit biennially, by January 15, a report to the legislature on the parents as first teachers program.

(3) 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 parents as first teachers program.

**NEW SECTION.** Sec. 114. The superintendent of public instruction, the director of community development, and the secretary of social and health services shall jointly develop and submit to the legislature not later than January 15, 1990, a plan that includes the following elements:

(1) One or more options for integrating the parents as first teachers program established under sections 111 through 113 of this act, the early childhood education and assistance program established under chapter 28A.34A RCW, project even start established under sections 104 through 108 of this act, the governor's proposed family independence program, and other state programs as may be appropriate, and including a recommendation on which state agency should be the lead agency in administering an integrated, comprehensive early childhood development assistance program;

(2) A suggested timetable for phasing-in or otherwise implementing an integrated, comprehensive early childhood development assistance program;

(3) Suggested options and cost estimates for phasing-in an expansion of the programs under subsection (1) of this section as component elements of an integrated, comprehensive early childhood development assistance program; and

(4) Other recommendations as may be appropriate.

This section shall expire January 16, 1990.

**NEW SECTION.** Sec. 115. Sections 111 through 113 of this act are each added to Title 28A RCW."



## MOTION

Senator Rinehart moved that the following amendment by Senators Rinehart, Gaspard, Pullen and Bailey to the Committee on Education amendment be adopted:

On page 22, following line 14 of the committee amendment insert a new section to read as follows:

NEW SECTION, Sec. 222. A new section is added to chapter 28A.58 RCW to read as follows:

(1) School districts are hereby authorized to contract with the University of Washington for the education of eligible, academically highly capable high school students at such early entrance or transition schools as are now or hereafter established and maintained by the university.

(2) School districts may authorize the superintendent of public instruction to allocate all or a portion of the state basic education allocation monies, state categorical monies and federal monies generated by a student attending a University of Washington early entrance or transition school pursuant to this section directly to the university: PROVIDED, That such state monies shall be expended exclusively for instruction and related activities necessary for students to fulfill the high school graduation requirements established by their school district of enrollment.

(3) The superintendent of public instruction shall adopt rules pursuant to chapter 34.04 RCW implementing subsection (2) of this section."

Renumber the remaining sections accordingly.

Debate ensued.

## POINT OF INQUIRY

Senator Stratton: "Senator Rinehart, does this apply only to smart kids who want to attend the University of Washington or is this state-wide? Would it apply to other colleges, too, across the state?"

Senator Rinehart: "There is only one program. It is a unique program that received national recognition that allows students who qualify in the same category as entering freshman, so this is the only program that exists, but, indeed, students come state-wide. It isn't a local program in that sense, but students do come state-wide."

The President Pro Tempore declared the question before the Senate to be adoption of the amendment by Senators Rinehart, Gaspard, Pullen and Bailey to the Committee on Education amendment.

The motion by Senator Rinehart carried and the amendment to the committee amendment was adopted.

## MOTION

Senator Gaspard moved that the following amendment to the Committee on Education amendment be adopted:

On page 22, after line 20, insert the following:

NEW SECTION, Sec. 224. (1) The superintendent of public instruction is authorized to award grants on a per pupil basis to up to twenty school districts for the 1987-88 and 1988-89 school years to be used by the selected districts only for: Elementary counselling programs; substance abuse awareness and prevention programs; student motivation, retention, and retrieval programs; programs for highly capable students; and school involvement programs.

(2) New or existing programs enhanced by the funds provided to districts by a grant under this section and sections 225 through 229 of this act shall not become a part of the state's basic education obligation as set forth by the Constitution.

NEW SECTION, Sec. 225. The board of directors of each school district selected to participate in the pilot program under sections 224 through 229 of this act may establish an advisory committee to 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. 226. Stipends may be awarded to certificated or classified staff who assume extra duties under sections 224 through 229 of this act. Such stipends shall not be considered compensation for the purposes of salary lid compliance under RCW 28A.58.095.

NEW SECTION, Sec. 227. School districts may enter into cooperative agreements to provide educational enhancements through the sharing of grant funds and may submit a joint application for grant funds to the superintendent of public instruction.

NEW SECTION, Sec. 228. The superintendent of public instruction shall, no later than January 31, 1990, 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. 229. The superintendent of public instruction shall adopt rules as necessary to implement sections 224 through 228 of this act.

NEW SECTION, Sec. 230. Sections 224 through 229 of this act shall expire February 1, 1990.

NEW SECTION, Sec. 231. Sections 224 through 229 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."

Debate ensued.

#### POINT OF INQUIRY

Senator Kiskaddon: "Senator Gaspard, I don't see anything in here on the funding level for the block grant approach. Can you tell me what the funding is?"

Senator Gaspard: "Yes, Senator Kiskaddon, there is not a specific appropriation for this. However, when we were trying to work a fiscal note on it which we had in the Senate Bill, it was anticipated to be about an additional million dollars to the bill that is before us in order to operate the block grant pilot project."

Senator Bottiger demanded a roll call and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be the roll call on adoption of the amendment by Senator Gaspard to the Committee on Education amendment.

#### ROLL CALL

The Secretary called the roll and the motion by Senator Gaspard carried and the amendment to the committee amendment was adopted by the following vote: Yeas, 25; nays, 24.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kreidler, McDermott, Moore, Owen, Peterson, Rasmussen, Rinehart, Smitherman, Stratton, Talmadge, Tanner, Vognild, Warnke, Williams, Wojahn - 25.

Voting nay: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Patterson, Pullen, Saling, Sellar, von Reichbauer, West, Zimmerman - 24.

#### MOTION

Senator Moore moved that the following amendment by Senators Moore, Rinehart, Pullen, Wojahn, Stratton, Lee, Kiskaddon, McDonald and Gaspard to the Committee on Education amendment be adopted:

On page 26, after line 29, insert the following:

#### "PART IV

#### MENTAL SPORTS

NEW SECTION, Sec. 401. The creation of an advisory committee within the office of the superintendent of public instruction to promote competition and research in mental sports such as chess, checkers, bridge, go, scholastic olympiads, and others will provide many benefits to the people of the state. Such an advisory committee will benefit the public by:

- (1) Enhancing the cognitive skills of students;
- (2) Promoting education, competition, and research in mental sports in the common schools and institutions of higher education of the state, as well as among the general public; and
- (3) Promoting tourism and economic development through the hosting of regional, national, and international tournaments in mental sports.

The legislature finds that mental sports promote intellectual development and offer the ultimate combination of art, science, and sport. The legislature also finds that while mental sports are best promoted through private sources, schools, and local units of government, the advisory committee can serve as a valuable catalyst to help achieve such promotion.

NEW SECTION, Sec. 402. As used in this chapter:

- (1) "Mental sports" includes chess, checkers, go, bridge, scholastic olympiads, and other nongambling games.
- (2) "Committee" or "advisory committee" means the mental sports competition and research advisory committee.

NEW SECTION, Sec. 403. (1) There is established the mental sports competition and research advisory committee within the office of the superintendent of public instruction. The committee consists of five persons appointed by the superintendent of public instruction. In making the appointments, the superintendent of public instruction shall select one person who is primarily a chess player, one person who is primarily a bridge player, one person who has experience promoting scholastic olympiads, and one person who is primarily a go player.

(2) The members of the committee shall serve terms of four years. However, in making the initial appointments, the superintendent of public instruction may provide for staggered terms. Vacancies shall be filled by appointment for the remainder of the unexpired term.

(3) Members of the committee shall not be compensated but shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(4) The committee may adopt such rules as may be necessary in the administration of this chapter. The rules shall be adopted under chapter 34.04 RCW.

NEW SECTION, Sec. 404. The committee shall to the maximum extent feasible rely on volunteer labor. The superintendent of public instruction shall provide staff support if necessary.

NEW SECTION, Sec. 405. The committee may solicit, accept, and expend such gifts, grants, and endowments from public and private sources as may be made available to the committee.

NEW SECTION, Sec. 406. (1) The committee may promote and sponsor tournaments in any mental sport. Entry fees and prize funds may be set by the committee with a view toward maximizing public participation and raising revenue for the committee and promotional activities of the committee.

(2) The committee may sponsor exhibitions, lectures, and tournament participation by visiting mental sports masters.

(3) In conducting mental sports tournaments and events, the committee shall consult with and seek the cooperation of local and national mental sports clubs and federations.

NEW SECTION, Sec. 407. By January 9, 1989, the mental sports competition and research advisory committee shall submit to the legislature and the superintendent of public instruction a report that includes:

(1) A summary of the committee's achievements;

(2) Recommendations on enhancing the status of mental sports within the common schools;

(3) Recommendations on promoting tournaments for the benefit of the general public; and

(4) Recommendations regarding possible future state financial support of the committee.

NEW SECTION, Sec. 408. Sections 401 through 407 of this act shall expire July 1, 1989.

NEW SECTION, Sec. 409. Sections 401 through 407 of this act shall constitute a new chapter in Title 67 RCW.

Renumber the sections consecutively and correct internal references accordingly.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be adoption of the amendment by Senators Moore, Rinehart, Pullen, Wojahn, Stratton, Lee, Kiskaddon, McDonald and Gaspard to the Committee on Education amendment.

The motion by Senator Moore carried and the amendment to the Committee on Education amendment was adopted.

#### MOTION

Senator Nelson moved that the following amendment to the Committee on Education amendment be adopted:

On page 26, after line 29, insert the following new section:

"NEW SECTION, Sec. 310. If specific funding for this act, referencing this act by bill number, is not provided by the legislature by July 1, 1987, this act shall be null and void."

Renumber the remaining sections consecutively and correct internal references accordingly.

Debate ensued.

Senator Vognild demanded a roll call and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be the roll call on adoption of the amendment by Senator Nelson to the Committee on Education amendment.

#### ROLL CALL

The Secretary called the roll and the motion by Senator Nelson failed and the amendment to the committee amendment was not adopted by the following vote: Yeas, 24; nays, 25.

Voting yea: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Patterson, Pullen, Saling, Sellar, von Reichbauer, West, Zimmerman - 24.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kreidler, McDermott, Moore, Owen, Peterson, Rasmussen, Rinehart, Smitherman, Stratton, Talmadge, Tanner, Vognild, Warnke, Williams, Wojahn - 25.

#### MOTION

Senator Bailey moved that the following amendment by Senators Bailey, Nelson, Craswell, Saling, Barr, Zimmerman, Sellar, Benitz and Anderson to the Committee on Education amendment be adopted:

On page 1, beginning on line 27 of the amendment, strike everything through "act." on page 26, line 8 of the amendment and insert "Providing additional dollars distributed directly

to the school districts. It is the intent of the legislature, through this chapter, 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 chapter 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 chapter 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 have high schools with sixty or fewer full-time equivalent students, the grant shall be based on sixty full-time equivalent students.

**NEW SECTION.** Sec. 3. Beginning with the 1987-88 school year, and for each subsequent school year, each school district shall receive, in addition to the basic education allocation, a grant of no less than seventy-five dollars per full-time equivalent student, to be used as provided in section 10 of this act.

**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. Local district boards may use existing advisory committees for the purposes of this chapter, so long as the advisory committee is representative of administrators, teachers, and citizens.

(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 initial plan to the superintendent of public instruction in detail no later than December 1, 1987, and by December 1 of subsequent years for those years' plans. 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 chapter shall not become a part of the state's basic education obligation as set forth by the Constitution.

**NEW SECTION.** Sec. 8. Funding appropriated 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 chapter 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) Innovative programs to increase the adult-pupil ratio without increasing the number of certificated staff, including but not limited to:

(a) Providing stipends to competent retired teachers to return them to the classroom as "team teachers" or classroom assistants;

(b) Providing stipends to teachers' aides;

(c) Providing incentives to administrators who spend a portion of their work day in the classroom team teaching or providing classroom assistance;

- (d) Providing recognition to citizen volunteers who assist in the classroom;
- (e) Providing training programs for classroom assistants, including volunteers; and
- (f) Purchasing equipment that directly relates to classroom instruction or assists the teacher in minimizing time away from teaching.

(2) 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.

(3) 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.

(4) 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.

(5) In-service training programs for staff development including, but not limited to:

(a) Funding speakers 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.

(6) Programs that develop and promote logical reasoning and improved analytical skills.

NEW SECTION. Sec. 11. Stipends may be awarded under RCW 28A.58.093 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. The superintendent of public instruction shall make a comprehensive report to the legislature on the use of the local district grants and the educational benefits derived therefrom by January 31 of every odd-numbered year.

NEW SECTION. Sec. 14. Sections 1 through 13 of this act shall constitute a new chapter in Title 28A RCW.

NEW SECTION. Sec. 15. The sum of one hundred ten 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.

NEW SECTION. Sec. 16. Sections 1 through 13 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."

Renumber the remaining sections consecutively.

Debate ensued.

Senator Fleming demanded a roll call and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be the roll call on adoption of the amendment by Senators Bailey, Nelson, Craswell, Saling, Barr, Zimmerman, Sellar, Benitz and Anderson to the Committee on Education amendment.

#### ROLL CALL

The Secretary called the roll and the motion by Senator Bailey failed and the amendment to the committee amendment was not adopted by the following vote: Yeas, 24; nays, 25.

Voting yea: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Patterson, Pullen, Saling, Sellar, von Reichbauer, West, Zimmerman - 24.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kreidler, McDermott, Moore, Owen, Peterson, Rasmussen, Rinehart, Smitherman, Stratton, Talmadge, Tanner, Vognild, Warnke, Williams, Wojahn - 25.

The President Pro Tempore declared the question before the Senate to be adoption of the Committee on Education amendment, as amended.

The Committee on Education amendment, as amended, was adopted.

#### MOTIONS

On motion of Senator Gaspard, the following title amendments were considered simultaneously and adopted:

On page 1, line 1 of the title, after "education;" strike the remainder of the title and insert "amending RCW 28A.34A.060, 28A.34A.090, 28A.16.050, and 82.12.0284; adding new sections to chapter 28A.58 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 28B.16 RCW; adding new sections to Title 28A RCW; creating new sections; and repealing RCW 28A.34A.902 and 28A.03.380."

On page 27, line 15 of the title amendment, after "28A RCW;" insert "adding a new chapter to Title 67 RCW;"

On page 27, line 16 of the title amendment, before "repealing" strike "and"

On page 27, line 17 of the title amendment, after "28A.03.380" and before the period insert "; and providing an expiration date"

On page 27 of the amendment, beginning on line 16 of the title amendment, strike the remainder of the title amendment and insert "repealing RCW 28A.34A.902 and 28A.03.380; providing an expiration date; and declaring an emergency."

On motion of Senator Gaspard, the rules were suspended, Engrossed Second Substitute House Bill No. 456, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Second Substitute House Bill No. 456, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Second Substitute House Bill No. 456, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 27; nays, 22.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kiskaddon, Kreidler, McDermott, Moore, Owen, Peterson, Pullen, Rasmussen, Rinehart, Smitherman, Stratton, Talmadge, Tanner, Vognild, Warnke, Williams, Wojahn - 27.

Voting nay: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Johnson, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Patterson, Saling, Sellar, von Reichbauer, West, Zimmerman - 22.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 456, 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.

President Cherberg assumed the chair.

#### SECOND READING

ENGROSSED HOUSE JOINT RESOLUTION NO. 4220, by Representatives Grimm, Holland, Ebersole, Betrozoff, Cole, Taylor, H. Sommers, Bristow, Hine, Rayburn, Brough, Wang, Jacobsen, Dellwo, Brekke, Nelson, Holm, Rasmussen, C. Smith, Todd, Unsoeld and Locke

Providing funds for school construction.

The resolution was read the second time.

#### MOTIONS

On motion of Senator Gaspard, the following amendment was adopted:

On page 1, line 10, after "tax" strike all material through "1987," on line 11

On motion of Senator Gaspard, the following amendment was adopted:

On page 4, line 31, after "purposes," strike all material through "people," on line 32

On motion of Senator Gaspard, the rules were suspended, Engrossed House Joint Resolution No. 4220, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Joint Resolution No. 4220, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed House Joint Resolution No. 4220, as amended by the Senate, and the resolution received the necessary two-thirds majority by the following vote: Yeas, 33; nays, 16.

Voting yea: Senators Bauer, Bender, Bluechel, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, Moore, Owen, Peterson, Rasmussen, Rinehart, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognilid, von Reichbauer, Warnke, West, Williams, Wojahn - 33.

Voting nay: Senators Anderson, Bailey, Barr, Benitz, Cantu, Craswell, Deccio, Hayner, McDonald, Metcalf, Nelson, Newhouse, Patterson, Pullen, Saling, Zimmerman - 16.

ENGROSSED HOUSE JOINT RESOLUTION NO. 4220, as amended by the Senate, having received the constitutional two-thirds majority, was declared passed.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1197, by Committee on Ways and Means (originally sponsored by Representatives Grimm, Holland, Ebersole, Betrozoff, Taylor, Cole, Hine, Bristow, Brough, Dellwo, Brekke, Rayburn, Wang, Jacobsen, P. King, Nelson, Todd, Unsoeld and Locke)

Revising provisions governing school capital projects.

The bill was read the second time.

#### MOTIONS

Senator Gaspard moved that the following Committee on Ways and Means amendment be adopted:

Strike everything after the enacting clause and insert the following:

\*Sec. 1. Section 28A.47.060, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.060 are each amended to read as follows:

The state board of education shall have the power and it shall be its duty (1) to prescribe rules and regulations governing the administration, control, terms, conditions, and disbursements of allotments to school districts to assist them in providing school plant facilities but such rules shall be consistent with and may be subject to ratification under section 5 of this 1987 act; (2) to approve allotments to districts that apply for state assistance in conformance with this chapter whenever the board deems such action advisable and in so doing to give due consideration to the findings, reports, and recommendations of the superintendent of public instruction pertaining thereto; (3) to authorize the payment of approved allotments by warrant of the state treasurer; and (4) in the event that the amount of state assistance applied for exceeds the funds available for such assistance during any biennium, to make allotments on the basis of the urgency of need for school facilities in the districts that apply for assistance and/or to prorate allotments among such districts in conformity with procedures and regulations applicable thereto which shall be established by the state board.

Sec. 2. Section 2, chapter 244, Laws of 1969 ex. sess. as last amended by section 18, chapter 154, Laws of 1980 and RCW 28A.47.801 are each amended to read as follows:

(1) Funds appropriated to the state board of education from the common school construction fund shall be allotted by the state board of education in accordance with student enrollment as computed for the purposes of RCW 28A.41.140 and the provisions of RCW 28A.47.800 through 28A.47.811 (-PROVIDED, That), in calculating allotments other than for modernization or replacement of facilities, the state board shall not recognize facility needs created solely by the redesignation of facilities' grade level spans during the five years before the proposed allotment, unless the state board finds that these needs cannot feasibly be met through modernization or replacement.

(2) No allotment shall be made to a school district ((for the purpose aforesaid)) until such district has provided matching funds equal to or greater than the difference between the total approved project cost and the amount of state assistance to the district for financing the project computed pursuant to RCW 28A.47.803, with the following exceptions:

(a) The state board may waive the matching requirement for districts which have provided funds for school building construction purposes through the authorization of bonds or

through the authorization of excess tax levies or both in an amount equivalent to two and one-half percent of the value of its taxable property, as defined in RCW 39.36.015(~~or such lesser amount as may be required by the state board of education. PROVIDED FURTHER That~~)).

(b) No such matching funds shall be required as a condition to the allotment of funds for the purpose of making major or minor structural changes to existing school facilities in order to bring such facilities into compliance with the handicapped access requirements of section 504 of the federal rehabilitation act of 1973 (29 U.S.C. Sec. 706) and rules implementing the act.

(3) The state board of education shall prescribe and make effective such rules and regulations as are necessary to equate insofar as possible the efforts made by school districts to provide capital funds by the means aforesaid.

Sec. 3. Section 4, chapter 244, Laws of 1969 ex. sess. as last amended by section 1, chapter 98, Laws of 1975 1st ex. sess. and RCW 28A.47.803 are each amended to read as follows:

Allocations to school districts of state funds provided by RCW 28A.47.800 through 28A.47.811 shall be made by the state board of education and the amount of state assistance to a school district in financing a school plant project shall be determined in the following manner:

(1) ~~((The boards of directors of the districts shall determine the total cost of the proposed project, which cost may include the cost of acquiring and preparing the site, the cost of constructing the building or of acquiring a building and preparing the same for school use, the cost of necessary equipment, taxes chargeable to the project, necessary architects' fees, and a reasonable amount for contingencies and for other necessary incidental expenses. PROVIDED: That the total cost of the project shall be subject to review and approval by the state board of education.))~~ The state board of education shall annually adopt a construction cost index which is based upon recent regional trends in these costs. Construction expenditures included in the approved cost of a project shall be limited to seventy-five dollars and ten cents per square foot, adjusted by the percentage change in this construction cost index since July 1, 1986. In addition, as determined by the state board, the approved cost of the project may also include: (a) Costs of necessary equipment; (b) architectural and engineering services; and (c) mandatory tests, inspections, and other reports or studies. Nothing in this section shall be construed as limiting additional expenditures from other sources by school districts for capital projects.

(2) The state matching percentage for a school district shall be computed by the following formula:

The ratio of the school district's adjusted valuation per full time equivalent pupil divided by the ratio of the total state adjusted valuation per full time pupil shall be subtracted from three, and then the result of the foregoing shall be divided by three plus (the ratio of the school district's adjusted valuation per full time equivalent pupil divided by the ratio of the total state adjusted valuation per full time pupil).

$$\begin{array}{rcc} \text{Computed} & & \text{Total state ad-} \\ \text{State} & & \text{+justed valuation} \\ & & \text{per full time} \\ & & \text{equivalent pupil} \\ & & \text{State} \\ & & \text{Assist-} \\ & & \text{ance} \\ \text{Ratio} & = & \text{---\%} \\ & & \text{---\%} \end{array}$$

PROVIDED, That in the event the percentage of state assistance to any school district based on the above formula is less than twenty percent and such school district is otherwise eligible for state assistance under RCW 28A.47.800 through 28A.47.811, the state board of education may establish for such district a percentage of state assistance not in excess of twenty percent of the approved cost of the project, if the state board finds that such additional assistance is necessary to provide minimum facilities for housing the pupils of the district.

(3) In addition to the computed percent of state assistance developed in (2) above, a school district shall be entitled to additional percentage points determined by the average percentage of growth for the past three years. One percent shall be added to the computed percent of state assistance for each percent of growth, with a maximum of twenty percent.

(4) The approved cost of the project determined in the manner herein prescribed times the percentage of state assistance derived as provided for herein shall be the amount of state assistance to the district for the financing of the project: PROVIDED, That need therefor has been established to the satisfaction of the state board of education: PROVIDED, FURTHER, That additional state assistance may be allowed if it is found by the state board of education that such assistance is necessary in order to meet (a) a school housing emergency resulting from the destruction of a school building by fire, the condemnation of a school building by properly constituted authorities, a sudden excessive and clearly foreseeable future increase in school population, or other conditions similarly emergent in nature; or (b) a special school housing burden imposed by virtue of the admission of nonresident students into educational programs established, maintained and operated in conformity with the requirements of law; or (c) ~~((a deficiency in the capital funds of the district resulting from financing, subsequent to April 1, 1969, and without benefit of the state assistance provided by prior state assistance programs;~~



~~the construction of a needed school building project or projects approved in conformity with the requirements of such programs, after having first applied for and been denied state assistance because of the inadequacy of state funds available for the purpose, or (d) a condition created by the fact that an excessive number of students live in state owned housing, or (e)) a need for the construction of a school building to provide for improved ((school district organization or)) racial balance, or ((f)) (d) facility needs created by school district consolidation or by the establishment of an interdistrict cooperative program when the state board has found that the interdistrict program will provide opportunities for services that would otherwise not be feasible or would be substantially more expensive when provided by each district individually, or (e) conditions similar to those defined under (a), (b), ((f;)) or (d) ((and (e) hereinafter)) of this subsection creating a like emergency.~~

Sec. 4. Section 6, chapter 244, Laws of 1969 ex. sess. as amended by section 4, chapter 56, Laws of 1974 ex. sess. and RCW 28A.47.805 are each amended to read as follows:

If a school district which has qualified for an allotment of state funds under the provisions of RCW 28A.47.800 through 28A.47.811 for school building construction is found by the state board of education to ~~((have a school housing emergency requiring an allotment of state funds in excess of the amount allocable))~~ qualify for additional state assistance under RCW 28A.47.803(4), an additional allotment may be made to such district: PROVIDED, That the total amount allotted shall not exceed ninety percent of the ~~((total))~~ approved cost of the ~~((approved))~~ project ~~((which may include the cost of the site and equipment))~~. At any time thereafter when the state board of education finds that the financial position of such school district has improved through an increase in its taxable valuation or through retirement of bonded indebtedness or through a reduction in school housing requirements, or for any combination of these reasons, the amount of such additional allotment, or any part of such amount as the state board of education determines, shall be deducted, under terms and conditions prescribed by the board, from any state school building construction funds which might otherwise be provided to such district.

NEW SECTION. Sec. 5. A new section is added to chapter 28A.47 RCW to read as follows:

No rule adopted after January 1, 1987, by the state board of education which impacts on the state funding of common school construction or modernization projects shall be effective until such rule has been expressly ratified by the legislature in a subsequent capital appropriations bill. This section shall apply only to new or revised rules which increase or may potentially increase the number of projects eligible for state assistance or the amount of state assistance for which a district is eligible.

NEW SECTION. Sec. 6. A new section is added to chapter 28A.47 RCW to read as follows:

No school district with unhoused students needs may be eligible for the state matching funds for the construction of school plant facilities if the school district contiguous to the school district applying for the state matching percentage has vacant school plant facilities within a reasonable distance adequate to meet its needs or a portion of its needs as defined by the superintendent of public instruction and state board of education.

NEW SECTION. Sec. 7. A new section is added to chapter 84.52 RCW to read as follows:

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.

NEW SECTION. Sec. 8. A new section is added to chapter 84.55 RCW to read as follows:

This chapter does not apply to the levy under section 7 of this act.

NEW SECTION. Sec. 9. Sections 7 and 8 of this act apply to taxes levied for collection in 1988, and thereafter.

Sec. 10. Section 13, chapter 288, Laws of 1971 ex. sess. as amended by section 88, chapter 195, Laws of 1973 1st ex. sess. and RCW 84.04.140 are each amended to read as follows:

The term "regular property taxes" and the term "regular property tax levy" shall mean a property tax levy by or for a taxing district which levy is subject to the aggregate limitation set forth in RCW 84.52.043 and RCW 84.52.050, as now or hereafter amended, or which is imposed by or for a port district or a public utility district, or which is imposed under section 7 of this 1987 act.

Sec. 11. Section 134, chapter 195, Laws of 1973 1st ex. sess. and RCW 84.52.043 are each amended to read as follows:

Within and subject to the limitations imposed by RCW 84.52.050 as amended, the regular ad valorem tax levies upon real and personal property by the taxing districts hereafter named shall be as follows: The levy by the state shall not exceed three dollars and sixty cents per thousand dollars of assessed value adjusted to the state equalized value in accordance with

the indicated ratio fixed by the state department of revenue to be used exclusively for the support of the common schools; the levy by any county shall not exceed one dollar and eighty cents per thousand dollars of assessed value; the levy for any road district shall not exceed two dollars and twenty-five cents per thousand dollars of assessed value; and the levy by or for any city or town shall not exceed three dollars and thirty-seven and one-half cents per thousand dollars of assessed value: PROVIDED FURTHER, That counties of the fifth class and under are hereby authorized to levy from one dollar and eighty cents to two dollars and forty-seven and one-half cents per thousand dollars of assessed value for general county purposes and from one dollar and fifty-seven and one-half cents to two dollars and twenty-five cents per thousand dollars of assessed value for county road purposes if the total levy for both purposes does not exceed four dollars and five cents per thousand dollars of assessed value: PROVIDED FURTHER, That counties of the fourth and the ninth class are hereby authorized to levy two dollars and two and one-half cents per thousand dollars of assessed value until such time as the junior taxing agencies are utilizing all the dollar rates available to them: AND PROVIDED FURTHER, That the total property tax levy authorized by law without a vote of the people shall not exceed nine dollars and fifteen cents per thousand dollars of assessed value. Levies at the rates provided by existing law by or for any port or public utility district shall not be included in the limitation set forth by this proviso.

Nothing herein shall prevent levies at the rates provided by existing law by or for any port or power district.

Nothing in this section shall prevent the levy under section 7 of this 1987 act.

It is the intent of the legislature that the provisions of this section shall supersede all conflicting provisions of law including section 24, chapter 299, Laws of 1971 ex. sess. and section 8, chapter 124, Laws of 1972 ex. sess.

Sec. 12, Section 1, chapter 2, Laws of 1973 as amended by section 1, chapter 194, Laws of 1973 1st ex. sess. and RCW 84.52.050 are each amended to read as follows:

Except as hereinafter provided, the aggregate of all tax levies upon real and personal property by the state and all taxing districts, now existing or hereafter created, shall not in any year exceed one percentum of the true and fair value of such property in money: PROVIDED, HOWEVER, That nothing herein shall prevent levies at the rates now provided by law by or for any port or public utility district, nor prevent the levy under section 7 of this 1987 act. The term "taxing district" for the purposes of this section shall mean any political subdivision, municipal corporation, district, or other governmental agency authorized by law to levy, or have levied for it, ad valorem taxes on property, other than a port or public utility district. Such aggregate limitation or any specific limitation imposed by law in conformity therewith may be exceeded only as authorized by law and in conformity with the provisions of Article VII, section 2(a), (b), or (c) of the Constitution of the state of Washington.

Nothing herein contained shall prohibit the legislature from allocating or reallocating the authority to levy taxes between the taxing districts of the state and its political subdivisions in a manner which complies with the aggregate tax limitation set forth in this section.

NEW SECTION, Sec. 13. The department of revenue shall take all steps necessary so that the taxes may be levied in 1987 for collection in 1988.

NEW SECTION, Sec. 14. Sections 1 through 12 of this act shall take effect December 10, 1987, if the proposed amendments to Article IX, section 3 and Article VII, section 2 of the state Constitution providing funding for capital purposes for schools (House Joint Resolution No. 4220) and the proposed amendments in sections 7, 8, and 9 of this act are validly submitted to and are approved and ratified by the voters at a general election held in November 1987. If the proposed amendments are not so approved and ratified, sections 1 through 13 of this act shall be null and void in their entirety.

NEW SECTION, Sec. 15. Sections 7, 8, and 9 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.

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."

Senator Bluechel moved that the following amendment by Senators Bluechel, Pullen and McDonald to the Committee on Ways and Means amendment be adopted:

On page 6, line 19, strike all of NEW SECTION, Sec. 6

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senators Bluechel, Pullen and McDonald to the Committee on Ways and Means amendment.

The motion by Senator Bluechel carried and the amendment to the committee amendment was adopted.

## MOTION

On motion of Senator Gaspard, the following amendments to the Committee on Education amendment were considered simultaneously and adopted:

On page 9 of the committee amendment, line 26, after "(House Joint Resolution No. 4220)" strike all material through "act" on line 27

On page 9 of the committee amendment, beginning on line 32, strike all of NEW SECTION, Sec. 15

Renumber the remaining section consecutively and correct internal references accordingly.

The President declared the question before the Senate to be adoption of the Committee on Ways and Means amendment, as amended.

The Committee on Ways and Means amendment, as amended, was adopted.

## MOTIONS

On motion of Senator Gaspard, the following title amendments were considered simultaneously and adopted:

On page 1, line 1 of the title, after "projects;" strike the remainder of the title and insert "authorizing the issuance of general obligation bonds; amending RCW 28A.47.060, 28A.47.801, 28A.47.803, 28A.47.805, 84.04.140, 84.52.043, and 84.52.050; 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; providing an effective date; and providing for the submission of portions of this act to a vote of the people."

On page 10, line 16 of the title amendment, after "date" strike all material through "people" on line 18

On page 10, line 14 of the title amendment, after "adding" strike "new sections" and insert "a new section"

On motion of Senator Gaspard, the rules were suspended, Engrossed Substitute House Bill No. 1197, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 1197, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 1197, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 33; nays, 16.

Voting yea: Senators Bauer, Bender, Bluechel, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, Moore, Owen, Patterson, Peterson, Rinehart, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 33.

Voting nay: Senators Anderson, Bailey, Barr, Benitz, Cantu, Craswell, Deccio, Hayner, McDonald, Metcalf, Nelson, Newhouse, Pullen, Rasmussen, Saling, Zimmerman - 16.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1197, 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.

## SECOND READING

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, Waik, 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.

## MOTION

Senator West moved that the following amendment be adopted:

On page 1, line 18, after "elected" insert "from and shall represent one-half of the senatorial district."

Debate ensued.

Senator Rasmussen demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator West on page 1, line 18.

#### ROLL CALL

The Secretary called the roll and the motion by Senator West failed and the amendment was not adopted by the following vote: Yeas, 21; nays, 28.

Voting yea: Senators Anderson, Bailey, Barr, Benitz, Craswell, DeJarnatt, Johnson, Kiskaddon, Lee, Metcalf, Moore, Nelson, Newhouse, Patterson, Pullen, Rasmussen, Stratton, von Reichbauer, West, Williams, Zimmerman - 21.

Voting nay: Senators Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Deccio, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Kreidler, McCaslin, McDermott, McDonald, Owen, Peterson, Rinehart, Saling, Sellar, Smitherman, Talmadge, Tanner, Vognild, Warnke, Wojahn - 28.

#### MOTION

Senator Pullen moved that the following amendments be considered simultaneously and adopted:

On page 2, line 11 strike "six" and insert "eight"

On page 2, line 11, after "years," strike "~~((one-half))~~ with as near to one-third" and insert "one-half"

On page 2, line 12, after "every" strike "two" and insert "~~((two))~~ four" and adjust the affected language in lines 17 through 28 accordingly

Debate ensued.

The President declared the question before the Senate to be adoption of the amendments by Senator Pullen on page 2, lines 11 and 12.

The motion by Senator Pullen failed and the amendments were not adopted.

#### MOTION

On motion of Senator Halsan, the rules were suspended, House Joint Resolution No. 4212 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

#### POINT OF INQUIRY

Senator Nelson: "Senator Halsan, since this went through your committee, I would like to get the interpretation that you might be able to provide since you remarked about it during one of the amendments. On page 2, beginning on line 2, the sentence reads, 'Persons elected to the House of Representatives shall serve four year terms unless they resign or seek other legislative office.' Senator Halsan, could you perhaps answer the question that if, in fact, a member of the House were now going to file for the position of Senator from the same legislative district on the last week of filing, that at that time, that member of the House would have to resign since he or she has made a commitment to seek another legislative office, or does it mean that you would wait until after the election in order to determine that the office that they held will be vacated?"

Senator Halsan: "The stated intent by Representative Fisher and Representative Sim Wilson who came over and testified before the committee was that a House member, because their term was extended to four years, and not two years, would have to resign their seat in order to seek a Senate seat."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of House Joint Resolution No. 4212.

#### ROLL CALL

The Secretary called the roll on final passage of House Joint Resolution No. 4212 and the resolution, having received the necessary two-thirds majority, passed the Senate by the following vote: Yeas, 33; nays, 16.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Hansen, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Nelson, Peterson, Rinehart, Sellar, Smitherman, Talmadge, Vognild, Warnke, Williams, Wojahn - 33.

Voting nay: Senators Benitz, Cantu, Halsan, Kreidler, McDonald, Newhouse, Owen, Patterson, Pullen, Rasmussen, Saling, Stratton, Tanner, von Reichbauer, West, Zimmerman - 16.

HOUSE JOINT RESOLUTION NO. 4212, having received the constitutional two-thirds majority, was declared passed.

## SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 454, by Committee on State Government (originally sponsored by Representatives Cooper, H. Sommers, B. Williams and Unsoeld) (by request of Governor Gardner)

Revising various boards and commissions.

The bill was read the second time.

## MOTIONS

Senator Halsan moved that the following Committee on Governmental Operations amendment be adopted:

Strike everything after the enacting clause and insert the following:

### \*PART I

#### BOARD OF ELECTRICAL EXAMINERS AND ELECTRICAL ADVISORY BOARD

Sec. 101. Section 1, chapter 206, Laws of 1983 as amended by section 1, chapter 156, Laws of 1986 and RCW 19.28.005 are each amended to read as follows:

The definitions in this section apply throughout this chapter.

(1) "Administrator" means a person designated by an electrical contractor to supervise electrical work and electricians in accordance with the rules adopted under this chapter.

(2) "~~(Advisory)~~ Board" means the electrical ~~(advisory)~~ board under RCW 19.28.065.

(3) "~~Board of electrical examiners~~" means the board of electrical examiners under RCW 19.28.123.

(4) "Chapter" means chapter 19.28 RCW.

(5) (4) "Department" means the department of labor and industries.

(6) (5) "Director" means the director of the department or the director's designee.

(7) (6) "Electrical construction trade" includes but is not limited to installing or maintaining electrical wires and equipment that are used for light, heat, or power and installing and maintaining remote control, signaling, power limited, or communication circuits or systems.

(8) (7) "Electrical contractor" means a person, firm, partnership, corporation, or other entity that offers to undertake, undertakes, submits a bid for, or does the work of installing or maintaining wires or equipment that convey electrical current.

(9) (8) "Equipment" means any equipment or apparatus that directly uses, conducts, or is operated by electricity but does not mean plug-in household appliances.

(10) (9) "Journeyman electrician" means a person who has been issued a journeyman electrician certificate of competency by the department.

(11) (10) "Specialty electrician" means a person who has been issued a specialty electrician certificate of competency by the department.

Sec. 102. Section 3, chapter 206, Laws of 1983 and RCW 19.28.015 are each amended to read as follows:

Disputes arising under RCW 19.28.010(2) regarding whether the city or town's electrical rules, regulations, or ordinances are equal to the rules adopted by the department shall be resolved by arbitration. The department shall appoint two members of the ~~(advisory)~~ board to serve on the arbitration panel, and the city or town shall appoint two persons to serve on the arbitration panel. These four persons shall choose a fifth person to serve. If the four persons cannot agree on a fifth person, the presiding judge of the superior court of the county in which the city or town is located shall choose a fifth person. A decision of the arbitration panel may be appealed to the superior court of the county in which the city or town is located within thirty days after the date the panel issues its final decision.

Sec. 103. Section 10, chapter 169, Laws of 1935 as last amended by section 3, chapter 156, Laws of 1986 and RCW 19.28.060 are each amended to read as follows:

Prior to January 1st of each year, the director shall obtain an authentic copy of the national electrical code as approved by the American Standards Association, and an authentic copy of any applicable regulations and standards of the Underwriters' Laboratories, Inc., or other electrical product testing laboratory which is accredited by the department prescribing rules, regulations, and standards for electrical materials, devices, appliances, and equipment, including any modifications and changes that have been made during the previous year in the rules, regulations, and standards. The department, after consulting with the ~~(advisory)~~ board and receiving the board's recommendations, shall adopt reasonable rules in furtherance of safety to life and property. All rules shall be kept on file by the department. Compliance with the rules shall be prima facie evidence of compliance with this chapter. The department upon request shall deliver to all persons, firms, partnerships, corporations, or other entities licensed under this chapter a copy of the rules.

Sec. 104. Section 5, chapter 207, Laws of 1963 as last amended by section 56, chapter 287, Laws of 1984 and RCW 19.28.065 are each amended to read as follows:

There is hereby created an electrical ~~((advisory))~~ board, consisting of ~~((seven))~~ nine members to be appointed by the governor with the advice of the director of labor and industries as herein provided. It shall be the purpose and function of the board to advise the director on all matters pertaining to the enforcement of this chapter including, but not limited to standards of electrical installation, minimum inspection procedures, and the adoption of rules and regulations pertaining to the electrical inspection division: PROVIDED, HOWEVER, That no rules or regulations shall be amended or repealed until the ~~((electrical advisory))~~ board has first had an opportunity to consider any proposed amendments or repeals and had an opportunity to make recommendations to the director relative thereto. The members of the ~~((electrical advisory))~~ board shall be selected and appointed as follows: One member shall be an employee or officer of a corporation or public agency generating or distributing electric power; ~~((one))~~ two members shall be ~~((an))~~ employees or officers of a corporation or firm engaged in the business of making electrical installations; one member shall be an employee, or officer, or representative of a corporation or firm engaged in the business of manufacturing or distributing electrical materials, equipment, or devices; one member shall be a person not related to the electrical industry to represent the public; ~~((one))~~ three members shall be ~~((a))~~ recognized electricians; one member shall be a licensed professional engineer qualified to do business in the state of Washington~~((:)), ((and one member shall be the state chief electrical inspector. Each of the members except the public member and the chief electrical inspector shall be appointed by the governor from among a list of individuals nominated by nonprofit organizations or associations representing individuals, corporations, or firms engaged in the business classification from which such member shall be selected.))~~ The regular term of each member shall be four years: PROVIDED, HOWEVER, The original board shall be appointed on the effective date of this 1987 section for the following terms: The first term of the member representing a corporation or public agency generating or distributing electric power shall serve four years; ~~((the))~~ one member representing ~~((the))~~ an installer of electrical equipment or appliances shall serve three years; the member representing a manufacturer or distributor of electrical equipment or devices shall serve three years; the member representing the public and one member representing an installer of electrical equipment or appliances shall serve two years; the three members selected as ((the)) recognized electricians shall serve for terms of one, two, and three years, respectively; the member selected as the licensed professional electrical engineer shall serve for one year. Thereafter, the governor shall appoint or reappoint board members for terms of four years and to fill vacancies created by the completion of the terms of the original members. The governor shall also fill vacancies caused by death, resignation, or otherwise for the unexpired term of such members by appointing their successors from the same business classification. The same procedure shall be followed in making such subsequent appointments as is provided for the original appointments. The board, at its first meeting shall elect one of its members to serve as chairman. Any person acting as the chief electrical inspector shall serve as secretary of the board during his tenure as chief state inspector. Meetings of the board shall be called at the discretion of the director of labor and industries. Each member of the board shall receive compensation in accordance with RCW 43.03.240 and shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060 which shall be paid out of the electrical license fund, upon vouchers approved by the director of labor and industries.

Sec. 105. Section 1, chapter 30, Laws of 1969 as last amended by section 156, Laws of 1986 and RCW 19.28.120 are each amended to read as follows:

(1) It is unlawful for any person, firm, partnership, corporation, or other entity to engage in, conduct, or carry on the business of installing or maintaining wires or equipment to convey electric current, or installing or maintaining equipment to be operated by electric current as it pertains to the electrical industry, without having an unrevoked, unsuspended, and unexpired electrical contractor license, issued by the department in accordance with this chapter. All electrical contractor licenses expire twenty-four calendar months following the day of their issue. The department may issue an electrical contractor license for a period of less than twenty-four months only for the purpose of equalizing the number of electrical contractor licenses which expire each month. Application for an electrical contractor license shall be made in writing to the department, accompanied by the required fee. The application shall state the name and address of the applicant; in case of firms or partnerships, the names of the individuals composing the firm or partnership; in case of corporations, the names of the managing officials thereof; the location of the place of business of the applicant and the name under which the business is conducted; and whether a general or specialty electrical contractor license is sought and, if the latter, the type of specialty. Electrical contractor specialties include, but are not limited to: Residential, domestic appliances, pump and irrigation, limited energy system, signs, nonresidential maintenance, and a combination specialty. A general electrical contractor license shall grant to the holder the right to engage in, conduct, or carry on the business of installing or maintaining wires or equipment to carry electric current, and installing or maintaining equipment, or installing or maintaining material to fasten or insulate

such wires or equipment to be operated by electric current, in the state of Washington. A specialty electrical contractor license shall grant to the holder a limited right to engage in, conduct, or carry on the business of installing or maintaining wires or equipment to carry electrical current, and installing or maintaining equipment; or installing or maintaining material to fasten or insulate such wires or equipment to be operated by electric current in the state of Washington as expressly allowed by the license.

(2) The application for a contractor license shall be accompanied by a bond in the sum of four thousand dollars with the state of Washington named as obligee in the bond, with good and sufficient surety, to be approved by the department. The bond shall at all times be kept in full force and effect, and any cancellation or revocation thereof, or withdrawal of the surety therefrom, suspends the license issued to the principal until a new bond has been filed and approved as provided in this section. Upon approval of a bond, the department shall on the next business day deposit the fee accompanying the application in the electrical license fund and shall file the bond in the office. The department shall upon request furnish to any person, firm, partnership, corporation, or other entity a certified copy of the bond upon the payment of a fee that the department shall set by rule. The fee shall cover but not exceed the cost of furnishing the certified copy. The bond shall be conditioned that in any installation or maintenance of wires or equipment to convey electrical current, and equipment to be operated by electrical current, the principal will comply with the provisions of this chapter and with any electrical ordinance, building code, or regulation of a city or town adopted pursuant to RCW 19.28.010(2) that is in effect at the time of entering into a contract. The bond shall be conditioned further that the principal will pay for all labor, including employee benefits, and material furnished or used upon the work, taxes and contributions to the state of Washington, and all damages that may be sustained by any person, firm, partnership, corporation, or other entity due to a failure of the principal to make the installation or maintenance in accordance with this chapter or any applicable ordinance, building code, or regulation of a city or town adopted pursuant to RCW 19.28.010(2). In lieu of the surety bond required by this section the license applicant may file with the department a cash deposit or other negotiable security acceptable to the department. If the license applicant has filed a cash deposit, the department shall deposit the funds in a special trust savings account in a commercial bank, mutual savings bank, or savings and loan association and shall pay annually to the depositor the interest derived from the account.

(3) The department shall issue general or specialty electrical contractor licenses to applicants meeting all of the requirements of this chapter. The provisions of this chapter relating to the licensing of any person, firm, partnership, corporation, or other entity including the requirement of a bond with the state of Washington named as obligee therein and the collection of a fee therefor, are exclusive, and no political subdivision of the state of Washington may require or issue any licenses or bonds or charge any fee for the same or a similar purpose. No person, firm, partnership, corporation, or other entity holding more than one specialty contractor license under this chapter may be required to pay an annual fee for more than one such license or to post more than one four thousand dollar bond, equivalent cash deposit, or other negotiable security.

(4) To obtain a general or specialty electrical contractor license the applicant must designate an individual who currently possesses an administrator's certificate as a general electrical contractor administrator or as a specialty electrical contractor administrator in the specialty for which application has been made. Administrator certificate specialties include but are not limited to: Residential, domestic, appliance, pump and irrigation, limited energy system, signs, nonresidential maintenance, and combination specialty. To obtain an administrator's certificate an individual must pass an examination as set forth in RCW 19.28.123 unless the applicant was a licensed electrical contractor at any time during 1974. Applicants who were electrical contractors licensed by the state of Washington at any time during 1974 are entitled to receive a general electrical contractor administrator's certificate without examination if the applicants apply prior to January 1, 1984. The board (~~of electrical examiners~~) shall certify to the department the names of all persons who are entitled to either a general or specialty electrical contractor administrator's certificate.

Sec. 106. Section 2, chapter 188, Laws of 1974 ex. sess. as last amended by section 6, chapter 156, Laws of 1986 and RCW 19.28.123 are each amended to read as follows:

(~~There is hereby created a board of electrical examiners consisting of nine members to be appointed by the governor.~~) It shall be the purpose and function of (~~this~~) the board to establish in addition to a general electrical contractors' license, such classifications of specialty electrical contractors' licenses as it deems appropriate with regard to individual sections pertaining to state adopted codes in chapter 19.28 RCW. In addition, it shall be the purpose and function of (~~this~~) the board to establish and administer written examinations for general electrical contractors' qualifying certificates and the various specialty electrical contractors' qualifying certificates. Examinations shall be designed to reasonably insure that general and specialty electrical contractor's qualifying certificate holders are competent to engage in and supervise the work covered by this statute and their respective licenses. The examinations shall include questions from the following categories to assure proper safety and protection for the

general public: (1) Safety, (2) state electrical code, and (3) electrical theory. The department with the consent of the board (~~of electrical examiners~~) shall be permitted to enter into a contract with a professional testing agency to develop, administer, and score these examinations. It shall be the further purpose and function of ~~(this)~~ the board to advise the director as to the need of additional electrical inspectors and compliance officers to be utilized by the director on either a full-time or part-time employment basis and to carry out the duties enumerated in RCW 19.28.510 through 19.28.620 as well as generally advise the department on all matters relative to RCW 19.28.510 through 19.28.620. ~~(Meetings of the board shall be held quarterly on the first Monday of February, May, August, and November of each year. Each member of the board shall be compensated in accordance with RCW 43.03.240, and each member shall also receive travel expenses as provided in RCW 43.03.650 and 43.03.660, which shall be paid out of the electrical license fund, upon vouchers approved by the director of labor and industries.)~~

Sec. 107. Section 4, chapter 188, Laws of 1974 ex. sess. as last amended by section 7, chapter 156, Laws of 1986 and RCW 19.28.125 are each amended to read as follows:

(1) Each applicant for an electrical contractor's license, other than an individual, shall designate a supervisory employee or member of the firm to take the required administrator's examination. Effective July 1, 1987, a supervisory employee designated as the administrator shall be a full-time supervisory employee. This person shall be designated as administrator under the license. No person may qualify as administrator for more than one contractor. If the relationship of the administrator with the electrical contractor is terminated, the contractor's license is void within ninety days unless another administrator is qualified by the board (~~of electrical examiners~~). However, if the administrator dies, the contractor's license is void within one hundred eighty days unless another administrator is qualified by the board (~~of electrical examiners~~). A certificate issued under this section is valid for two years from the nearest birth-date of the administrator, unless revoked or suspended, and further is nontransferable. The certificate may be renewed for a two-year period without examination by appropriate application unless the certificate has been revoked, suspended, or not renewed within ninety days after the expiration date. If the certificate is not renewed before the expiration date, the individual shall pay twice the usual fee. An individual holding more than one administrator's certificate under this chapter shall not be required to pay annual fees for more than one certificate. A person may take the administrator's test as many times as necessary without limit.

(2) The administrator shall:

(a) Be a member of the firm or a supervisory employee and shall be available during working hours to carry out the duties of an administrator under this section;

(b) Ensure that all electrical work complies with the electrical installation laws and rules of the state;

(c) Ensure that the proper electrical safety procedures are used;

(d) Ensure that all electrical labels, permits, and licenses required to perform electrical work are used;

(e) See that corrective notices issued by an inspecting authority are complied with; and

(f) Notify the department in writing within ten days if the administrator terminates the relationship with the electrical contractor.

(3) The department shall not by rule change the administrator's duties under subsection (2) of this section.

Sec. 108. Section 8, chapter 169, Laws of 1935 as last amended by section 7, chapter 206, Laws of 1983 and RCW 19.28.210 are each amended to read as follows:

The director shall cause an inspector to inspect all wiring, appliances, devices, and equipment to which this chapter applies. Nothing contained in this chapter may be construed as providing any authority for any subdivision of government to adopt by ordinance any provisions contained or provided for in this chapter except those pertaining to cities and towns pursuant to RCW 19.28.010(2). Upon request, electrical inspections will be made by the department within forty-eight hours, excluding holidays, Saturdays, and Sundays. If, upon written request, the electrical inspector fails to make an electrical inspection within twenty-four hours, the serving utility may immediately connect electrical power to the installation if the necessary electrical work permit is displayed. Whenever the installation of any wiring, device, appliance, or equipment is not in accordance with this chapter, or is in such a condition as to be dangerous to life or property, the person, firm, partnership, corporation, or other entity owning, using, or operating it shall be notified by the department and shall within fifteen days, or such further reasonable time as may upon request be granted, make such repairs and changes as are required to remove the danger to life or property and to make it conform to this chapter. The director, through the inspector, is hereby empowered to disconnect or order the discontinuance of electrical service to conductors or equipment that are found to be in a dangerous or unsafe condition and not in accordance with this chapter. Upon making a disconnection the inspector shall attach a notice stating that the conductors have been found dangerous to life or property and are not in accordance with this chapter. It is unlawful for any person to reconnect such defective conductors or equipment without the approval of the department, and until the conductors and equipment have been placed in a safe and secure condition, and in a condition that complies with this chapter. The director, through the electrical inspector, has the right



during reasonable hours to enter into and upon any building or premises in the discharge of his or her official duties for the purpose of making any inspection or test of the installation of new construction or altered electrical wiring, electrical devices, equipment, or material contained in or on the buildings or premises. No electrical wiring or equipment subject to this chapter may be concealed until it has been approved by the inspector making the inspection. Persons, firms, partnerships, corporations, or other entities making electrical installations shall obtain inspection and approval from an authorized representative of the department as required by this chapter before requesting the electric utility to connect to the installations. Electric utilities may connect to the installations if approval is clearly indicated by certification of the electrical work permit required to be affixed to each installation or by equivalent means, except that increased or relocated services may be reconnected immediately at the discretion of the utility before approval if an electrical work permit is displayed. The permits shall be furnished upon payment of the fee to the department. The director, ~~((subject to the recommendations and approval))~~ with the advice of the ~~((advisory))~~ board, shall set by rule a schedule of license and electrical work permit fees that will cover the costs of administration and enforcement of this chapter. The rules shall be adopted in accordance with the administrative procedure act, chapter 34.04 RCW. No fee may be charged for plug-in mobile homes, recreational vehicles, or portable appliances.

Sec. 109. Section 2, chapter 169, Laws of 1935 as amended by section 9, chapter 206, Laws of 1983 and RCW 19.28.260 are each amended to read as follows:

It is unlawful for any person, firm, partnership, corporation, or other entity to install or maintain any electrical wiring, appliances, devices, or equipment not in accordance with this chapter. In cases where the interpretation and application of the installation or maintenance standards prescribed in this chapter is in dispute or in doubt, the ~~((advisory))~~ board shall, upon application of any interested person, firm, partnership, corporation, or other entity, determine the methods of installation or maintenance or the materials, devices, appliances, or equipment to be used in the particular case submitted for its decision.

Sec. 110. Section 13, chapter 169, Laws of 1935 as amended by section 10, chapter 206, Laws of 1983 and RCW 19.28.300 are each amended to read as follows:

Any person, firm, partnership, corporation, or other entity desiring a decision of the ~~((advisory))~~ board pursuant to RCW 19.28.260 shall, in writing, notify the director of such desire and shall accompany the notice with a certified check payable to the department in the sum of two hundred dollars. The notice shall specify the ruling or interpretation desired and the contention of the person, firm, partnership, corporation, or other entity as to the proper interpretation or application on the question on which a decision is desired. If the ~~((advisory))~~ board determines that the contention of the applicant for a decision was proper, the two hundred dollars shall be returned to the applicant; otherwise it shall be used in paying the expenses and per diem of the members of the ~~((advisory))~~ board in connection with the matter. Any portion of the two hundred dollars not used in paying the per diem and expenses of the board in the case shall be paid into the electrical license fund.

Sec. 111. Section 7, chapter 169, Laws of 1935 as last amended by section 10, chapter 156, Laws of 1986 and RCW 19.28.310 are each amended to read as follows:

The department has the power, in case of continued noncompliance with the provisions of this chapter, to revoke or suspend for such a period as it determines, any electrical contractor license or electrical contractor administrator certificate issued under this chapter. The department shall notify the holder of the license or certificate of the revocation or suspension by certified mail. A revocation or suspension is effective fifteen days after the holder receives the notice. Any revocation or suspension is subject to review by an appeal to the board ~~((of electrical examiners))~~. The filing of an appeal stays the effect of a revocation or suspension until the board ~~((of electrical examiners))~~ makes its decision. The appeal shall be filed within fifteen days after notice of the revocation or suspension is given by certified mail sent to the address of the holder of the license or certificate as shown on the application for the license or certificate, and shall be effected by filing a written notice of appeal with the department, accompanied by a certified check for two hundred dollars, which shall be returned to the holder of the license or certificate if the decision of the department is not sustained by the board. The hearing shall be conducted in accordance with chapter 34.04 RCW. If the board sustains the decision of the department, the two hundred dollars shall be applied by the department to the payment of the per diem and expenses of the members of the board incurred in the matter, and any balance remaining after payment of per diem and expenses shall be paid into the electrical license fund.

Sec. 112. Section 18, chapter 169, Laws of 1935 as amended by section 1, chapter 67, Laws of 1979 ex. sess. and RCW 19.28.330 are each amended to read as follows:

All sums received from licenses, permit fees, or other sources, herein shall be paid to the state treasurer and placed in a special fund designated as the "electrical license fund," and by him paid out upon vouchers duly and regularly issued therefor and approved by the director of labor and industries or the director's designee following determination by the board ~~((of electrical examiners))~~ that the sums are necessary to accomplish the intent of chapter 19.28

RCW. The treasurer shall keep an accurate record of payments into, or receipts of, said fund, and of all disbursements therefrom.

Sec. 113. Section 14, chapter 169, Laws of 1935 as last amended by section 11, chapter 156, Laws of 1986 and RCW 19.28.350 are each amended to read as follows:

Any person, firm, partnership, corporation, or other entity violating any of the provisions of RCW 19.28.010 through ~~((19.28.360))~~ 19.28.360 shall be assessed a penalty of not less than fifty dollars or more than ten thousand dollars. The department shall set by rule a schedule of penalties for violating RCW 19.28.010 through ~~((19.28.360))~~ 19.28.360. The department shall notify the person, firm, partnership, corporation, or other entity violating any of the provisions of RCW 19.28.010 through ~~((19.28.360))~~ 19.28.360 of the amount of the penalty and of the specific violation by certified mail, return receipt requested, sent to the last known address of the assessed party. Any penalty is subject to review by an appeal to the board ~~((of electrical examiners))~~. The filing of an appeal stays the effect of the penalty until the board ~~((of electrical examiners))~~ makes its decision. The appeal shall be filed within fifteen days after notice of the penalty is given to the assessed party by certified mail, return receipt requested, sent to the last known address of the assessed party and shall be made by filing a written notice of appeal with the department. The notice shall be accompanied by a certified check for two hundred dollars, which shall be returned to the assessed party if the decision of the department is not sustained by the board. If the board sustains the decision of the department, the two hundred dollars shall be applied by the department to the payment of the per diem and expenses of the members of the board incurred in the matter, and any balance remaining after payment of per diem and expenses shall be paid into the electrical license fund. The hearing and review procedures shall be conducted in accordance with chapter 34.04 RCW. The board ~~((of electrical examiners))~~ shall assign its hearings to an administrative law judge to conduct the hearing and issue a proposed decision and order. The board shall be allowed a minimum of twenty days to review a proposed decision and shall issue its decision no later than the next regularly scheduled board meeting.

Sec. 114. Section 4, chapter 30, Laws of 1980 as amended by section 14, chapter 206, Laws of 1983 and RCW 19.28.530 are each amended to read as follows:

(1) Upon receipt of the application, the department shall review the application and determine whether the applicant is eligible to take an examination for the journeyman or specialty certificate of competency. To be eligible to take the examination for a journeyman certificate the applicant must have worked in the electrical construction trade for a minimum of four years employed full time, of which two years shall be in industrial or commercial electrical installation under the supervision of a journeyman electrician certified under this chapter and not more than a total of two years in all specialties under the supervision of a journeyman electrician certified under this chapter or an appropriate specialty electrician certified under this chapter or have successfully completed an apprenticeship program approved under chapter 49.04 RCW for the electrical construction trade. To be eligible to take the examination to become a specialty electrician the applicant shall have worked in that specialty of the electrical construction trade, under the supervision of a journeyman electrician certified under this chapter or an appropriate specialty electrician certified under this chapter, for a minimum of two years employed full time, or have successfully completed an approved apprenticeship program under chapter 49.04 RCW for the applicant's specialty in the electrical construction trade. Before January 1, 1984, applicants for nonresidential maintenance specialty licenses are eligible to become nonresidential maintenance specialists upon certification to the department that they have the equivalent of two years full-time experience in that specialty field. Persons applying before January 1, 1984, for a journeyman certificate are eligible to take the examination to become journeymen until July 1, 1984, upon certification to the department that they have the equivalent of five years full-time experience in nonresidential maintenance, of which two years shall be in industrial electrical installation. Any applicant who has successfully completed a two-year technical school program in the electrical construction trade in a school that is approved by the commission for vocational education may substitute up to two years of the technical school program for two years of work experience under a journeyman electrician. The applicant shall obtain the additional two years of work experience required in industrial or commercial electrical installation prior to the beginning, or after the completion, of the technical school program. Any applicant who has received training in the electrical construction trade in the armed service of the United States may be eligible to take the examination for the certificate of competency. Any applicant who is a graduate of a trade school program in the electrical construction trade that was established during 1946 is eligible to take the examination for the certificate of competency. No other requirement for eligibility may be imposed.

(2) The department shall establish reasonable rules for the examinations to be given applicants for certificates of competency. In establishing the rules, the department shall consult with the board ~~((of electrical examiners))~~. Upon determination that the applicant is eligible to take the examination, the department shall so notify the applicant, indicating the time and place for taking the examination.

Sec. 115. Section 5, chapter 30, Laws of 1980 as last amended by section 13, chapter 156, Laws of 1986 and RCW 19.28.540 are each amended to read as follows:

The department, in coordination with the board (~~(of electrical examiners)~~), shall prepare an examination to be administered to applicants for journeyman and specialty certificates of competency. The examination shall be constructed to determine:

(1) Whether the applicant possesses varied general knowledge of the technical information and practical procedures that are identified with the status of journeyman electrician or specialty electrician; and

(2) Whether the applicant is sufficiently familiar with the applicable electrical codes and the rules of the department pertaining to electrical installations and electricians.

The department shall, at least four times annually, administer the examination to persons eligible to take it under RCW 19.28.530. A person may take the journeyman or specialty test as many times as necessary without limit. All applicants shall, before taking the examination, pay to the department an examination fee. The department shall set the fee by rule. The fee shall cover but not exceed the costs of preparing and administering the examination.

The department shall certify the results of the examination upon such terms and after such a period of time as the department, in cooperation with the board (~~(of electrical examiners)~~), deems necessary and proper.

(3) The department upon the consent of the board (~~(of electrical examiners)~~) may enter into a contract with a professional testing agency to develop, administer, and score journeyman and/or specialty electrician certification examinations.

Sec. 116. Section 9, chapter 30, Laws of 1980 as amended by section 18, chapter 206, Laws of 1983 and RCW 19.28.580 are each amended to read as follows:

(1) The department may revoke any certificate of competency upon the following grounds:

(a) The certificate was obtained through error or fraud;

(b) The holder thereof is judged to be incompetent to work in the electrical construction trade as a journeyman electrician or specialty electrician;

(c) The holder thereof has violated any of the provisions of RCW 19.28.510 through 19.28.620 or any rule adopted under this chapter.

(2) Before any certificate of competency shall be revoked, the holder shall be given written notice of the department's intention to do so, mailed by registered mail, return receipt requested, to the holder's last known address. The notice shall enumerate the allegations against the holder, and shall give the holder the opportunity to request a hearing before the board (~~(of electrical examiners)~~). At the hearing, the department and the holder may produce witnesses and give testimony. The hearing shall be conducted in accordance with chapter 34.04 RCW. The board shall render its decision based upon the testimony and evidence presented, and shall notify the parties immediately upon reaching its decision. A majority of the board shall be necessary to render a decision.

Sec. 117. Section 13, chapter 30, Laws of 1980 as last amended by section 17, chapter 156, Laws of 1986 and RCW 19.28.620 are each amended to read as follows:

(1) It is unlawful for any person, firm, partnership, corporation, or other entity to employ an individual for purposes of RCW 19.28.510 through 19.28.620 who has not been issued a certificate of competency or a training certificate. It is unlawful for any individual to engage in the electrical construction trade or to maintain or install any electrical equipment or conductors without having in his or her possession a certificate of competency or a training certificate under RCW 19.28.510 through 19.28.620. Any person, firm, partnership, corporation, or other entity found in violation of RCW 19.28.510 through 19.28.620 shall be assessed a penalty of not less than fifty dollars or more than five hundred dollars. The department shall set by rule a schedule of penalties for violating RCW 19.28.510 through 19.28.620. An appeal may be made to the board (~~(of electrical examiners)~~) as is provided in RCW 19.28.350. The appeal shall be filed within fifteen days after the notice of the penalty is given to the assessed party by certified mail, return receipt requested, sent to the last known address of the assessed party and shall be made by filing a written notice of appeal with the department. Any equipment maintained or installed by any person who does not possess a certificate of competency under RCW 19.28.510 through 19.28.620 shall not receive an electrical work permit and electrical service shall not be connected or maintained to operate the equipment. Each day that a person, firm, partnership, corporation, or other entity violates the provisions of RCW 19.28.510 through 19.28.620 is a separate violation.

(2) A civil penalty shall be collected in a civil action brought by the attorney general in the county wherein the alleged violation arose at the request of the department if any of the provisions of RCW 19.28.510 through 19.28.620 or any rules promulgated under RCW 19.28.510 through 19.28.620 are violated.

#### PART II WORK-STUDY ADVISORY COMMITTEE

Sec. 201. Section 5, chapter 177, Laws of 1974 ex. sess. as amended by section 59, chapter 370, Laws of 1985 and RCW 28B.12.050 are each amended to read as follows:

The higher education coordinating board shall disburse college work-study funds (~~(after consideration of recommendations of a panel convened by the higher education coordinating~~

~~board, and composed of representatives of~~). In performing its duties under this section, the board shall consult eligible institutions and post-secondary education advisory and governing bodies. ~~((Said commission))~~ The board shall establish criteria ~~((for the panel))~~ designed to achieve such distribution of assistance under this chapter among students attending eligible institutions as will most effectively carry out the purposes of this chapter.

Sec. 202. Section 6, chapter 177, Laws of 1974 ex. sess. as amended by section 60, chapter 370, Laws of 1985 and RCW 28B.12.060 are each amended to read as follows:

The higher education coordinating board shall adopt rules and regulations as may be necessary or appropriate for effecting the provisions of this chapter, and not in conflict with this chapter, in accordance with the provisions of chapter 28B.19 RCW, the state higher education administrative procedure act. Such rules and regulations shall ~~((be promulgated upon consideration of advice from a panel composed of representatives of institutional financial aid officers, a representative of employee organizations having membership in the classified service of the state's institutions of higher education, and will))~~ include provisions designed to make employment under such work-study program reasonably available, to the extent of available funds, to all eligible students in eligible post-secondary institutions in need thereof. Such rules and regulations shall include:

(1) Providing work under the college work-study program which will not result in the displacement of employed workers or impair existing contracts for services.

(2) Furnishing work only to a student who:

(a) Is capable, in the opinion of the eligible institution, of maintaining good standing in such course of study while employed under the program covered by the agreement; and

(b) Has been accepted for enrollment as at least a half-time student at the eligible institution or, in the case of a student already enrolled in and attending the eligible institution, is in good standing and in at least half-time attendance there either as an undergraduate, graduate or professional student; and

(c) Is not pursuing a degree in theology.

(3) Placing priority on the securing of work opportunities for students who are residents of the state of Washington as defined in RCW 28B.15.011 through 28B.15.014.

(4) Provisions to assure that in the state institutions of higher education utilization of this student work-study program:

(a) Shall only supplement and not supplant classified positions under jurisdiction of chapter 28B.16 RCW;

(b) That all positions established which are comparable shall be identified to a job classification under the higher education personnel board's classification plan and shall receive equal compensation;

(c) Shall not take place in any manner that would replace classified positions reduced due to lack of funds or work; and

(d) That work study positions shall only be established at entry level positions of the classified service.

#### PART III HIGHER EDUCATION COORDINATING BOARD

Sec. 301. Section 14, chapter 370, Laws of 1985 and RCW 28B.80.430 are each amended to read as follows:

The board shall employ a director and may delegate agency management to the director. The director shall serve at the pleasure of the board, shall be the executive officer of the board, and shall, under the board's supervision, administer the provisions of this chapter. The executive director shall, with the approval of the board: (1) Employ necessary deputy and assistant directors and other exempt staff under chapter 28B.16 RCW who shall serve at his or her pleasure on such terms and conditions as he or she determines and (2) subject to the provisions of chapter 28B.16 RCW, appoint and employ such other employees as may be required for the proper discharge of the functions of the board. The executive director shall exercise such additional powers, other than rulemaking, as may be delegated by the board by resolution. In fulfilling the duties under this chapter, the board shall make extensive use of those state agencies with responsibility for implementing and supporting postsecondary education plans and policies including but not limited to appropriate legislative groups, the postsecondary education institutions, the office of financial management, the commission for vocational education, and the state board for community college education. Outside consulting and service agencies may also be employed. The board may compensate these groups and consultants in appropriate ways.

#### PART IV STATE BOARD FOR THE CERTIFICATION OF LIBRARIANS

Sec. 401. Section 2, chapter 5, Laws of 1941 as last amended by section 1, chapter 79, Laws of 1986 and RCW 27.04.030 are each amended to read as follows:

The state library commission:

(1) May make such rules under chapter 34.04 RCW as may be deemed necessary and proper to carry out the purposes of this chapter;

(2) Shall set general policy direction pursuant to the provisions of this chapter;

(3) Shall appoint a state librarian who shall serve at the pleasure of the commission;

(4) Shall adopt a recommended budget and submit it to the governor;

(5) Shall have authority to contract with any agency of the state of Washington for the purpose of providing library materials, supplies, and equipment and employing assistants as needed for the development, growth, and operation of any library facilities or services of such agency;

(6) Shall have authority to contract with any public library in the state for that library to render library service to the blind and/or physically handicapped throughout the state. The state library commission shall have authority to compensate such public library for the cost of the service it renders under such contract;

(7) May adopt rules under chapter 34.04 RCW for the allocation of any grants of state, federal, or private funds for library purposes;

(8) Shall have authority to accept and to expend in accordance with the terms thereof any grant of federal or private funds which may become available to the state for library purposes. For the purpose of qualifying to receive such grants, the state library commission is authorized to make such applications and reports as may be required by the federal government or appropriate private entity as a condition thereto;

(9) Shall have the authority to provide for the sale of library material in accordance with RCW 27.12.305; and

(10) Shall (~~pay expenses of the state board for certification of librarians under RCW 27.06-.045~~) have authority to establish rules and regulations for, and prescribe and hold examinations to test, the qualifications of those seeking certificates as librarians.

(a) The commission shall grant librarians' certificates without examination to applicants who are graduates of library schools accredited by the American library association for general library training, and shall grant certificates to other applicants when it has satisfied itself by examination that the applicant has attainments and abilities equivalent to those of a library school graduate and is qualified to carry on library work ably and efficiently.

(b) The commission shall require a fee of not less than one dollar nor greater than that required to recover the costs associated with the application to be paid by each applicant for a librarian's certificate. Money paid as fees shall be deposited with the state treasurer.

(c) A library serving a community having over four thousand population shall not have in its employ, in the position of librarian or in any other full-time professional library position, a person who does not hold a librarian's certificate issued by the commission or its predecessor.

(d) A full-time professional library position, as intended by this subsection, is one that requires, in the opinion of the commission, a knowledge of books and of library technique equivalent to that required for graduation from an accredited library school.

(e) The provisions of this subsection apply to every library serving a community having over four thousand population and to every library operated by the state or under its authority, including libraries of institutions of higher learning; PROVIDED, That nothing in this subsection applies to the state law library or to county law libraries.

NEW SECTION. Sec. 402. The following acts or parts of acts are each repealed:

(1) Section 11, chapter 119, Laws of 1935, section 12, chapter 106, Laws of 1973, section 59, chapter 287, Laws of 1984 and RCW 27.08.010; and

(2) Section 1, chapter 295, Laws of 1955 and RCW 27.08.045.

#### PART V

#### ENERGY ADVISORY COUNCIL

Sec. 501. Section 2, chapter 295, Laws of 1981 and RCW 43.21F.025 are each amended to read as follows:

(1) "Energy" means petroleum or other liquid fuels; natural or synthetic fuel gas; solid carbonaceous fuels; fissionable nuclear material; electricity; solar radiation; geothermal resources; hydropower; organic waste products; wind; tidal activity; any other substance or process used to produce heat, light, or motion; or the savings from nongeneration technologies, including conservation or improved efficiency in the usage of any of the sources described in this subsection;

(2) "Person" means an individual, partnership, joint venture, private or public corporation, association, firm, public service company, political subdivision, municipal corporation, government agency, public utility district, joint operating agency, or any other entity, public or private, however organized;

(3) "Director" means the director of the state energy office;

(4) "Office" means the Washington state energy office; and

(5) "Distributor" means any person, private corporation, partnership, individual proprietorship, utility, including investor-owned utilities, municipal utility, public utility district, joint operating agency, or cooperative, which engages in or is authorized to engage in the activity of generating, transmitting, or distributing energy in this state (~~and~~

~~(6) "Council" means the energy advisory council created in RCW 43.21F.085).~~

Sec. 502. Section 8, chapter 295, Laws of 1981 and RCW 43.21F.065 are each amended to read as follows:

In addition to the duties and functions assigned by RCW 43.21F.045 and 43.21F.060, the director shall:

- (1) Manage, plan, direct, and administer the activities and staff of the office;
- (2) Assign, reassign, and coordinate personnel of the office and prescribe their duties subject to chapter 41.06 RCW; and
- (3) ~~(Provide staff support to the energy advisory council)~~ Establish advisory committees as may be necessary to carry out the purposes of this chapter. Members shall be reimbursed for travel expenses incurred in the performance of their duties in accordance with RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 503. Section 7, chapter 295, Laws of 1981 and RCW 43.21F.085 are each repealed.

PART VI  
MOBILE HOME, RECREATIONAL VEHICLE, AND  
FACTORY BUILT HOUSING ADVISORY BOARDS

Sec. 601. Section 3, chapter 229, Laws of 1969 ex. sess. as last amended by section 103, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.22.420 are each amended to read as follows:

There is hereby created a ~~((mobile home and recreational vehicle))~~ factory assembled structures advisory board consisting of ~~((eight))~~ nine members to be appointed by the ~~((governor with the advice of the))~~ director of labor and industries ~~((as herein provided))~~. It shall be the purpose and function of the board to advise the director on all matters pertaining to the enforcement of this chapter including but not limited to standards of body and frame design, construction and plumbing, heating and electrical installations, minimum inspection procedures, the adoption of rules and regulations pertaining to the manufacture of factory assembled structures, mobile homes, commercial coaches and recreational vehicles. The advisory board shall periodically review the rules promulgated under RCW 43.22.450 through 43.22.490 and shall recommend changes of such rules to the department if it deems changes advisable.

The members of the ~~((mobile home and recreational vehicle))~~ advisory board shall be ~~((selected and appointed as follows: One member shall be an employee or officer of a mobile home manufacturing company; one member shall be an employee or officer of a travel trailer manufacturing company; one member shall be an employee, officer or distributor of a company engaged in the manufacture of component parts affecting the plumbing apparatus and equipment; one member shall be an employee, officer or distributor of a company engaged in the manufacture of electrical material, equipment or appliances; one member shall be a distributor or manufacturer of heating equipment, material or devices; one member shall be an employee, officer, owner, or operator of a mobile home park; and one member shall represent that segment of the general public owning or leasing mobile homes, commercial coaches and/or recreational vehicles. The chief supervisor for the mobile home, commercial coach and recreational vehicle section within the department of labor and industries shall be a member of the advisory board and shall act as secretary))~~ representative of consumers, the regulated industries, and allied professionals. The ((regular)) term of each member shall be four years ((: PROVIDED, HOWEVER, The original board shall be appointed for the following terms: The first term of the member representing a manufacturer of mobile homes and of the member representing the general public shall be four years; the member representing the manufacturer of travel trailers shall serve three years; the member representing the manufacturer or distributor of plumbing component parts shall serve three years; the member representing the manufacturer or distributor of electrical apparatus and equipment shall serve two years; the manufacturer or distributor of heating equipment and appliances shall serve one year. The governor shall fill vacancies caused by death, resignation, or otherwise for the unexpired term of such members by appointing their successors from the same business classification. The same procedure shall be followed in making such subsequent appointments as is provided for the original appointments. The board, at its first meeting shall elect one of its members to serve as chairman)). However, the director may appoint the initial members of the advisory board to staggered terms not exceeding four years.

The chief ~~((supervisor))~~ inspector or any person acting as chief ~~((supervisor))~~ inspector for the factory assembled structures, mobile home, commercial coach and recreational vehicle section shall serve as secretary of the board during his tenure as chief. Meetings of the board shall be called at the discretion of the director of labor and industries, but at least quarterly. Each member of the board shall be paid travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended which shall be paid out of the appropriation to the department of labor and industries, upon vouchers approved by the director of labor and industries or his or her designee.

NEW SECTION. Sec. 602. Section 6, chapter 44, Laws of 1970 ex. sess., section 4, chapter 22, Laws of 1973 1st ex. sess., section 104, chapter 34, Laws of 1975-'76 2nd ex. sess., section 77, chapter 287, Laws of 1984 and RCW 43.22.475 are each repealed.

PART VII  
COMMISSION ON EQUIPMENT

Sec. 701. Section 46.04.040, chapter 12, Laws of 1961 and RCW 46.04.040 are each amended to read as follows:

"Authorized emergency vehicle" means any vehicle of any fire department, police department, sheriff's office, coroner, prosecuting attorney, Washington state patrol, ambulance service, public or private, which need not be classified, registered or authorized by the state ((~~commission on equipment~~)) patrol, or any other vehicle authorized in writing by the state ((~~commission on equipment~~)) patrol.

Sec. 702. Section 1, chapter 213, Laws of 1979 ex. sess. and RCW 46.04.304 are each amended to read as follows:

"Moped" means any two-wheeled or three-wheeled device having fully operative pedals for propulsion by human power and a motor with a cylinder displacement not exceeding fifty cubic centimeters which produces no more than two gross brake horsepower (developed by a prime mover, as measured by a brake applied to the driving shaft) and is capable of propelling the device at a maximum speed of not more than thirty miles per hour on level ground, and the wheels of which are at least sixteen inches in diameter.

The state ((~~commission on equipment~~)) patrol may approve of and define as a "moped" a vehicle which fails to meet these specific criteria, but which is essentially similar in performance and application to vehicles which do meet these specific criteria.

Sec. 703. Section 1, chapter 200, Laws of 1983 and RCW 46.04.710 are each amended to read as follows:

"Wheelchair conveyance" means any vehicle specially manufactured or designed for the transportation of a physically or medically impaired wheelchair-bound person. The vehicle may be a separate vehicle used in lieu of a wheelchair or a separate vehicle used for transporting the impaired person while occupying a wheelchair. The vehicle shall be equipped with a propulsion device capable of propelling the vehicle within a speed range established by the ((~~commission on equipment~~)) state patrol. The ((~~commission~~)) state patrol may approve and define as a wheelchair conveyance, a vehicle that fails to meet these specific criteria but is essentially similar in performance and application to vehicles that do meet these specific criteria.

Sec. 704. Section 46.16.240, chapter 12, Laws of 1961 as last amended by section 10, chapter 170, Laws of 1969 ex. sess. and RCW 46.16.240 are each amended to read as follows:

The vehicle license number plates shall be attached conspicuously at the front and rear of each vehicle for which the same are issued and in such a manner that they can be plainly seen and read at all times: PROVIDED, That if only one license number plate is legally issued for any vehicle such plate shall be conspicuously attached to the rear of such vehicle. Each vehicle license number plate shall be placed or hung in a horizontal position at a distance of not less than one foot nor more than four feet from the ground and shall be kept clean so as to be plainly seen and read at all times: PROVIDED, HOWEVER, That in cases where the body construction of the vehicle is such that compliance with this section is impossible, permission to deviate therefrom may be granted by the state ((~~commission on equipment~~)) patrol. It shall be unlawful to display upon the front or rear of any vehicle, vehicle license number plate or plates other than those furnished by the director for such vehicle or to display upon any vehicle any vehicle license number plate or plates which have been in any manner changed, altered, disfigured or have become illegible. It shall be unlawful for any person to operate any vehicle unless there shall be displayed thereon valid vehicle license number plates attached as herein provided.

Sec. 705. Section 46.32.060, chapter 12, Laws of 1961 as amended by section 5, chapter 123, Laws of 1986 and RCW 46.32.060 are each amended to read as follows:

It shall be unlawful for any person to operate or move, or for any owner to cause or permit to be operated or moved upon any public highway, any vehicle or combination of vehicles, which is not at all times equipped in the manner required by this title, or the equipment of which is not in a proper condition and adjustment as required by this title or rules adopted by the chief of the Washington state patrol.

Any vehicle operating upon the public highways of this state and at any time found to be defective in equipment in such a manner that it may be considered unsafe shall be an unlawful vehicle and may be prevented from further operation until such equipment defect is corrected and any peace officer is empowered to impound such vehicle until the same has been placed in a condition satisfactory to vehicle inspection. The necessary cost of impounding any such unlawful vehicle and any cost for the storage and keeping thereof shall be paid by the owner thereof. The impounding of any such vehicle shall be in addition to any penalties for such unlawful operation.

The provisions of this section shall not be construed to prevent the operation of any such defective vehicle to a place for correction of equipment defect in the manner directed by any peace officer or representative of the state ((~~commission on equipment~~)) patrol.

Sec. 706. Section 46.37.005, chapter 12, Laws of 1961 as last amended by section 1, chapter 165, Laws of 1985 and RCW 46.37.005 are each amended to read as follows:

(There is constituted a state commission on equipment which shall consist of the director of the department of licensing, the chief of the Washington state patrol, and the secretary of transportation. Each official may designate an administrative staff person to serve as the official's designee on the commission. For purposes of continuity this designee shall, where possible, be one individual. The chief of the Washington state patrol or his designee shall act as the chairman of the state commission on equipment. He shall appoint either the director of licensing or the secretary of transportation or their respective designees to serve as vice-chairman in his absence. The chairman or the designated vice-chairman must be present at each meeting of the commission. The chief shall appoint a person under his supervision to act as secretary of the state commission on equipment who shall be responsible for the issuance of rules and regulations adopted by the commission, for the issuance of certificates of approval for vehicle equipment requiring approval and letters of appointment to tow operators, and for the administration of such other business of the commission on equipment as the commission shall specify.)

In addition to those powers and duties elsewhere granted (~~by the provisions of this title the state commission on equipment~~), ~~the chief of the Washington state patrol~~ shall have the power and the duty to adopt, apply, and enforce such reasonable rules and regulations (1) relating to proper types of vehicles or combinations thereof for hauling passengers, commodities, freight, and supplies, (2) relating to vehicle equipment, and (3) relating to the enforcement of the provisions of this title with regard to vehicle equipment, as may be deemed necessary for the public welfare and safety in addition to but not inconsistent with the provisions of this title.

The (~~state commission on equipment~~) ~~chief of the Washington state patrol~~ is authorized to adopt by regulation, federal standards relating to motor vehicles and vehicle equipment, issued pursuant to the National Traffic and Motor Vehicle Safety Act of 1966, or any amendment to said act, notwithstanding any provision in Title 46 RCW inconsistent with such standards. Federal standards adopted pursuant to this section shall be applicable only to vehicles manufactured in a model year following the adoption of such standards.

Sec. 707. Section 46.37.010, chapter 12, Laws of 1961 as last amended by section 69, chapter 136, Laws of 1979 ex. sess. and RCW 46.37.010 are each amended to read as follows:

(1) It is a traffic infraction for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any highway any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person, or which does not contain those parts or is not at all times equipped with such lamps and other equipment in proper condition and adjustment as required in this chapter or in regulations issued by the (~~state commission on equipment~~) ~~chief of the Washington state patrol~~, or which is equipped in any manner in violation of this chapter or the (~~commission's~~) ~~state patrol's~~ regulations, or for any person to do any act forbidden or fail to perform any act required under this chapter or the (~~commission's~~) ~~state patrol's~~ regulations.

(2) Nothing contained in this chapter or the (~~commission's~~) ~~state patrol's~~ regulations shall be construed to prohibit the use of additional parts and accessories on any vehicle not inconsistent with the provisions of this chapter or the (~~commission's~~) ~~state patrol's~~ regulations.

(3) The provisions of the chapter and the (~~commission's~~) ~~state patrol's~~ regulations with respect to equipment on vehicles shall not apply to implements of husbandry, road machinery, road rollers, or farm tractors except as herein made applicable.

(4) No owner or operator of a farm tractor, self-propelled unit of farm equipment, or implement of husbandry shall be guilty of a crime or subject to penalty for violation of RCW 46.37.160 as now or hereafter amended unless such violation occurs on a public highway.

(5) It is a traffic infraction for any person to sell or offer for sale vehicle equipment which is required to be approved by the (~~commission on equipment~~) ~~state patrol~~ as prescribed in RCW 46.37.005 unless it has been approved by the state (~~commission on equipment~~) ~~patrol~~.

(6) The provisions of this chapter with respect to equipment required on vehicles shall not apply to motorcycles or motor-driven cycles except as herein made applicable.

Sec. 708. Section 46.37.160, chapter 12, Laws of 1961 as last amended by section 14, chapter 355, Laws of 1977 ex. sess. and RCW 46.37.160 are each amended to read as follows:

(1) Every farm tractor and every self-propelled unit of farm equipment or implement of husbandry manufactured or assembled after January 1, 1970, shall be equipped with vehicular hazard warning lights of the type described in RCW 46.37.215 visible from a distance of not less than one thousand feet to the front and rear in normal sunlight, which shall be displayed whenever any such vehicle is operated upon a highway.

(2) Every self-propelled unit of farm equipment or implement of husbandry manufactured or assembled after January 1, 1970, shall at all times, and every other motor vehicle shall at times mentioned in RCW 46.37.020, be equipped with lamps and reflectors as follows:

(a) At least two headlamps meeting the requirements of RCW 46.37.220, 46.37.240, or 46.37.260;

(b) At least one red lamp visible when lighted from a distance of not less than one thousand feet to the rear mounted as far to the left of center of vehicle as practicable;

(c) At least two red reflectors visible from all distances within six hundred to one hundred feet to the rear when directly in front of lawful lower beams of headlamps.



(3) Every combination of farm tractor and towed farm equipment or towed implement of husbandry shall at all times mentioned in RCW 46.37.020 be equipped with lamps and reflectors as follows:

(a) The farm tractor element of every such combination shall be equipped as required in subsections (1) and (2) of this section;

(b) The towed unit of farm equipment or implement of husbandry element of such combination shall be equipped on the rear with two red lamps visible when lighted from a distance of not less than one thousand feet to the rear, and two red reflectors visible to the rear from all distances within six hundred feet to one hundred feet to the rear when directly in front of lawful upper beams of head lamps. One reflector shall be so positioned to indicate, as nearly as practicable, the extreme left projection of the towed unit;

(c) If the towed unit or its load obscures either of the vehicle hazard warning lights on the tractor, the towed unit shall be equipped with vehicle hazard warning lights described in subsection (1) of this section.

(4) The two red lamps and the two red reflectors required in the foregoing subsections of this section on a self-propelled unit of farm equipment or implement of husbandry or combination of farm tractor and towed farm equipment shall be so positioned as to show from the rear as nearly as practicable the extreme width of the vehicle or combination carrying them: PROVIDED, That if all other requirements are met, reflective tape or paint may be used in lieu of reflectors required by subsection (3) of this section.

(5) After January 1, 1970, every farm tractor and every self-propelled unit of farm equipment or implement of husbandry designed for operation at speeds not in excess of twenty-five miles per hour shall at all times be equipped with a slow moving vehicle emblem mounted on the rear except as provided in subsection (6) of this section.

(6) After January 1, 1970, every combination of farm tractor and towed farm equipment or towed implement of husbandry normally operating at speeds not in excess of twenty-five miles per hour shall at all times be equipped with a slow moving vehicle emblem as follows:

(a) Where the towed unit is sufficiently large to obscure the slow moving vehicle emblem on the farm tractor, the towed unit shall be equipped with a slow moving vehicle emblem. In such cases, the towing vehicle need not display the emblem;

(b) Where the slow moving vehicle emblem on the farm tractor unit is not obscured by the towed unit, then either or both may be equipped with the required emblem but it shall be sufficient if either has it.

(7) The emblem required by subsections (5) and (6) of this section shall comply with current standards and specifications as promulgated by the ~~((state commission on equipment))~~ Washington state patrol.

Sec. 709. Section 46.37.185, chapter 12, Laws of 1961 as amended by section 3, chapter 92, Laws of 1971 ex. sess. and RCW 46.37.185 are each amended to read as follows:

Firemen, when approved by the chief of their respective service, shall be authorized to use a green light on the front of their private cars when on emergency duty only. Such green light shall be visible for a distance of two hundred feet under normal atmospheric conditions and shall be of a type and mounting approved by the ~~((commission on equipment))~~ Washington state patrol. The use of the green light shall only be for the purpose of identification and the operator of a vehicle so equipped shall not be entitled to any of the privileges provided in RCW 46.61.035 for the operators of authorized emergency vehicles.

Sec. 710. Section 46.37.190, chapter 12, Laws of 1961 as last amended by section 1, chapter 331, Laws of 1985 and RCW 46.37.190 are each amended to read as follows:

(1) Every authorized emergency vehicle shall, in addition to any other equipment and distinctive marking required by this chapter, be equipped with at least one lamp capable of displaying a red light visible from at least five hundred feet in normal sunlight and a siren capable of giving an audible signal.

(2) Every school bus and private carrier bus shall, in addition to any other equipment and distinctive markings required by this chapter, be equipped with a "stop" signal upon a background not less than fourteen by eighteen inches displaying the word "stop" in letters of distinctly contrasting colors not less than eight inches high, and shall further be equipped with signal lamps mounted as high and as widely spaced laterally as practicable, which shall be capable of displaying to the front two alternately flashing red lights located at the same level and to the rear two alternately flashing red lights located at the same level and these lights shall have sufficient intensity to be visible at five hundred feet in normal sunlight.

(3) Vehicles operated by public agencies whose law enforcement duties include the authority to stop and detain motor vehicles on the public highways of the state may be equipped with a siren and lights of a color and type designated by the ~~((commission on equipment))~~ state patrol for that purpose. The ~~((commission))~~ state patrol may prohibit the use of these sirens and lights on vehicles other than the vehicles described in this subsection.

(4) The lights described in this section shall not be mounted nor used on any vehicle other than a school bus, a private carrier bus, or an authorized emergency or law enforcement vehicle. Optical strobe light devices shall not be installed or used on any vehicle other than an emergency vehicle authorized by the ~~((Washington state commission on equipment))~~ state

patrol or a publicly-owned law enforcement or emergency vehicle. An "optical strobe light device" means a strobe light device which emits an optical signal at a specific frequency to a traffic control light enabling the vehicle in which the strobe light device is used to obtain the right of way at intersections.

(5) The use of the signal equipment described herein shall impose upon drivers of other vehicles the obligation to yield right of way and stop as prescribed in RCW 46.61.210, 46.61.370, and 46.61.350.

Sec. 711. Section 46.37.194, chapter 12, Laws of 1961 and RCW 46.37.194 are each amended to read as follows:

The state (~~((commission on equipment))~~) patrol may make rules and regulations relating to authorized emergency vehicles and shall test and approve sirens and emergency vehicle lamps to be used on such vehicles.

Sec. 712. Section 46.37.210, chapter 12, Laws of 1961 as last amended by section 18, chapter 355, Laws of 1977 ex. sess. and RCW 46.37.210 are each amended to read as follows:

(1) Any motor vehicle may be equipped with not more than two side cowl or fender lamps which shall emit an amber or white light without glare.

(2) Any motor vehicle may be equipped with not more than one running-board courtesy lamp on each side thereof which shall emit a white or amber light without glare.

(3) Any motor vehicle may be equipped with one or more back-up lamps either separately or in combination with other lamps, but any such back-up lamp or lamps shall not be lighted when the motor vehicle is in forward motion.

(4) Any vehicle may be equipped with one or more side marker lamps, and any such lamp may be flashed in conjunction with turn or vehicular hazard warning signals. Side marker lamps located toward the front of a vehicle shall be amber, and side marker lamps located toward the rear shall be red.

(5) Any vehicle eighty inches or more in over-all width, if not otherwise required by RCW 46.37.090, may be equipped with not more than three identification lamps showing to the front which shall emit an amber light without glare and not more than three identification lamps showing to the rear which shall emit a red light without glare. Such lamps shall be mounted as specified in RCW 46.37.090(~~((6))~~(7)).

(6) (a) Every motor vehicle, trailer, semitrailer, truck tractor, and pole trailer used in the state of Washington may be equipped with an auxiliary lighting system consisting of:

(i) One green light to be activated when the accelerator of the motor vehicle is depressed;

(ii) Not more than two amber lights to be activated when the motor vehicle is moving forward, or standing and idling, but is not under the power of the engine.

(b) Such auxiliary system shall not interfere with the operation of vehicle stop lamps or turn signals, as required by RCW 46.37.070. Such system, however, may operate in conjunction with such stop lamps or turn signals.

(c) Only one color of the system may be illuminated at any one time, and at all times either the green light, or amber light or lights shall be illuminated when the stop lamps of the vehicle are not illuminated.

(d) The green light, and the amber light or lights, when illuminated shall be plainly visible at a distance of one thousand feet to the rear.

(e) Only one such system may be mounted on a motor vehicle, trailer, semitrailer, truck tractor, or pole trailer; and such system shall be rear mounted in a horizontal fashion, at a height of not more than seventy-two inches, nor less than twenty inches, as provided by RCW 46.37.050.

(f) On a combination of vehicles, only the lights of the rearmost vehicle need actually be seen and distinguished as provided in subparagraph (d) of this subsection.

(g) Each manufacturer's model of such a system as described in this subsection shall be approved by the (~~((commission on equipment))~~) state patrol as provided for in RCW 46.37.005 and 46.37.320, before it may be sold or offered for sale in the state of Washington.

Sec. 713. Section 46.37.280, chapter 12, Laws of 1961 as last amended by section 24, chapter 355, Laws of 1977 ex. sess. and RCW 46.37.280 are each amended to read as follows:

(1) During the times specified in RCW 46.37.020, any lighted lamp or illuminating device upon a motor vehicle, other than head lamps, spot lamps, auxiliary lamps, flashing turn signals, emergency vehicle warning lamps, warning lamps authorized by the state (~~((commission on equipment))~~) patrol and school bus warning lamps, which projects a beam of light of an intensity greater than three hundred candlepower shall be so directed that no part of the high intensity portion of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than seventy-five feet from the vehicle.

(2) Except as required in RCW 46.37.190 no person shall drive or move any vehicle or equipment upon any highway with any lamp or device thereon displaying a red light visible from directly in front of the center thereof.

(3) Flashing lights are prohibited except as required in RCW 46.37.190, 46.37.200, 46.37.210, 46.37.215, and 46.37.300, and warning lamps authorized by the state (~~((commission on equipment))~~) patrol.

Sec. 714. Section 46.37.290, chapter 12, Laws of 1961 as last amended by section 1, chapter 45, Laws of 1977 and RCW 46.37.290 are each amended to read as follows:

The (~~state commission on equipment~~) chief of the Washington state patrol is authorized to adopt standards and specifications applicable to lighting equipment on and special warning devices to be carried by school buses and private carrier buses consistent with the provisions of this chapter, but supplemental thereto. Such standards and specifications shall correlate with and, so far as possible, conform to the specifications then current as approved by the society of automotive engineers.

Sec. 715. Section 46.37.300, chapter 12, Laws of 1961 as amended by section 20, chapter 154, Laws of 1963 and RCW 46.37.300 are each amended to read as follows:

(1) The state (~~commission on equipment~~) patrol shall adopt standards and specifications applicable to head lamps, clearance lamps, identification and other lamps on snow-removal and other highway maintenance and service equipment when operated on the highways of this state in lieu of the lamps otherwise required on motor vehicles by this chapter. Such standards and specifications may permit the use of flashing lights for purposes of identification on snow-removal and other highway maintenance and service equipment when in service upon the highways. The standards and specifications for lamps referred to in this section shall correlate with and, so far as possible, conform with those approved by the American association of state highway officials.

(2) It shall be unlawful to operate any snow-removal and other highway maintenance and service equipment on any highway unless the lamps thereon comply with and are lighted when and as required by the standards and specifications adopted as provided in this section.

Sec. 716. Section 46.37.310, chapter 12, Laws of 1961 as amended by section 1, chapter 113, Laws of 1986 and RCW 46.37.310 are each amended to read as follows:

(1) No person may have for sale, sell, or offer for sale for use upon or as a part of the equipment of a motor vehicle, trailer, or semitrailer, or use upon any such vehicle any head lamp, auxiliary or fog lamp, rear lamp, signal lamp, or reflector, which reflector is required under this chapter, or parts of any of the foregoing which tend to change the original design or performance, unless of a type which has been submitted to the state (~~commission on equipment~~) patrol and conforming to rules adopted by it.

(2) No person may have for sale, sell, or offer for sale for use upon or as a part of the equipment of a motor vehicle, trailer, or semitrailer any lamp or device mentioned in this section conforming to rules adopted by the state (~~commission on equipment~~) patrol unless such lamp or device bears thereon the trademark or name under which it is approved so as to be legible when installed.

(3) No person may use upon any motor vehicle, trailer, or semitrailer any lamps mentioned in this section unless the lamps are mounted, adjusted, and aimed in accordance with instructions of the state (~~commission on equipment~~) patrol.

Sec. 717. Section 2, chapter 113, Laws of 1986 and RCW 46.37.320 are each amended to read as follows:

(1) The (~~state commission on equipment~~) chief of the state patrol is hereby authorized to adopt and enforce rules establishing standards and specifications governing the performance of lighting devices and their installation, adjustment, and aiming, when in use on motor vehicles, and other safety equipment, components, or assemblies of a type for which regulation is required in this chapter or in rules adopted by the (~~commission~~) state patrol. Such rules shall correlate with and, so far as practicable, conform to federal motor vehicle safety standards adopted pursuant to the national traffic and motor vehicle safety act of 1966 (15 U.S.C. Sec. 1381 et seq.) covering the same aspect of performance, or in the absence of such federal standards, to the then current standards and specifications of the society of automotive engineers applicable to such equipment: PROVIDED, That the sale, installation, and use of any headlamp meeting the standards of either the society of automotive engineers or the United Nations agreement concerning motor vehicle equipment and parts done at Geneva on March 20, 1958, or as amended and adopted by the Canadian standards association (CSA standard D106.2), as amended, shall be lawful in this state.

(2) Every manufacturer who sells or offers for sale lighting devices or other safety equipment subject to requirements established by the (~~commission~~) state patrol shall, if the lighting device or safety equipment is not in conformance with applicable federal motor vehicle safety standards, provide for submission of such lighting device or safety equipment to any recognized organization or agency such as, but not limited to, the American national standards institute, the society of automotive engineers, or the American association of motor vehicle administrators, as the agent of the (~~commission~~) state patrol. Issuance of a certificate of compliance for any lighting device or item of safety equipment by that agent is deemed to comply with the standards set forth by the (~~commission on equipment~~) state patrol. Such certificate shall be issued by the agent of the state before sale of the product within the state.

(3) The (~~commission~~) state patrol may at any time request from the manufacturer a copy of the test data showing proof of compliance of any device with the requirements established by the (~~commission~~) state patrol and additional evidence that due care was exercised in maintaining compliance during production. If the manufacturer fails to provide such proof of

compliance within sixty days of notice from the ~~((commission))~~ state patrol, the ~~((commission))~~ state patrol may prohibit the sale of the device in this state until acceptable proof of compliance is received by the ~~((commission))~~ state patrol.

(4) The ~~((commission))~~ state patrol or its agent may purchase any lighting device or other safety equipment, component, or assembly subject to this chapter or rules adopted by the ~~((commission))~~ state patrol under this chapter, for purposes of testing or retesting the equipment as to its compliance with applicable standards or specifications.

Sec. 718. Section 46.37.330, chapter 12, Laws of 1961 as amended by section 26, chapter 355, Laws of 1977 ex. sess. and RCW 46.37.330 are each amended to read as follows:

(1) When the state ~~((commission-on-equipment))~~ patrol has reason to believe that an approved device does not comply with the requirements of this chapter or regulations issued by the state ~~((commission-on-equipment))~~ patrol, it may, after giving thirty days' previous notice to the person holding the certificate of approval for such device in this state, conduct a hearing upon the question of compliance of said approved device. After said hearing the state ~~((commission-on-equipment))~~ patrol shall determine whether said approved device meets the requirements of this chapter and regulations issued by the ~~((commission))~~ state patrol. If said device does not meet the requirements of this chapter or the ~~((commission's))~~ state patrol's regulations it shall give notice to the one to whom the certificate of approval has been issued of the ~~((commission's))~~ state patrol's intention to suspend or revoke the certificate of approval for such device in this state.

(2) If at the expiration of ninety days after such notice the person holding the certificate of approval for such device has failed to satisfy the state ~~((commission-on-equipment))~~ patrol that said approved device as thereafter to be sold or offered for sale meets the requirements of this chapter or the ~~((commission's))~~ state patrol's regulations, the state ~~((commission-on-equipment))~~ patrol shall suspend or revoke the approval issued therefor and shall require the withdrawal of all such devices from the market and may require that all said devices sold since the notification be replaced with devices that do comply.

(3) When a certificate of approval has been suspended or revoked pursuant to this chapter or regulations by the state ~~((commission-on-equipment))~~ patrol, the device shall not be again approved unless and until it has been submitted for reapproval and it has been demonstrated, in the same manner as in an application for an original approval, that the device fully meets the requirements of this chapter or regulations issued by the state ~~((commission-on-equipment))~~ patrol. The state ~~((commission-on-equipment))~~ patrol may require that all previously approved items are being effectively recalled and removed from the market as a condition of reapproval.

Sec. 719. Section 24, chapter 154, Laws of 1963 as amended by section 29, chapter 355, Laws of 1977 ex. sess. and RCW 46.37.365 are each amended to read as follows:

(1) The term "hydraulic brake fluid" as used in this section shall mean the liquid medium through which force is transmitted to the brakes in the hydraulic brake system of a vehicle.

(2) Hydraulic brake fluid shall be distributed and serviced with due regard for the safety of the occupants of the vehicle and the public.

(3) The ~~((state-commission-on-equipment))~~ chief of the Washington state patrol shall, in compliance with the provisions of chapter 34.04 RCW, the administrative procedure act, which govern the adoption of rules, adopt and enforce regulations for the administration of this section and shall adopt and publish standards and specifications for hydraulic brake fluid which shall correlate with, and so far as practicable conform to, the then current standards and specifications of the society of automotive engineers applicable to such fluid.

(4) No person shall distribute, have for sale, offer for sale, or sell any hydraulic brake fluid unless it complies with the requirements of this section and the standard specifications adopted by the state ~~((commission-on-equipment))~~ patrol. No person shall service any vehicle with brake fluid unless it complies with the requirements of this section and the standards and specifications adopted by the state ~~((commission-on-equipment))~~ patrol.

(5) Subsections (3) and (4) of this section shall not apply to petroleum base fluids in vehicles with brake systems designed to use them.

Sec. 720. Section 46.37.380, chapter 12, Laws of 1961 as last amended by section 3, chapter 113, Laws of 1986 and RCW 46.37.380 are each amended to read as follows:

(1) Every motor vehicle when operated upon a highway shall be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than two hundred feet, but no horn or other warning device may emit an unreasonably loud or harsh sound or a whistle. The driver of a motor vehicle shall when reasonably necessary to insure safe operation give audible warning with his horn but shall not otherwise use such horn when upon a highway.

(2) No vehicle may be equipped with nor may any person use upon a vehicle any siren, whistle, or bell, except as otherwise permitted in this section.

(3) It is permissible for any vehicle to be equipped with a theft alarm signal device so long as it is so arranged that it cannot be used by the driver as an ordinary warning signal. Such a theft alarm signal device may use a whistle, bell, horn, or other audible signal but shall not use a siren.

(4) Any authorized emergency vehicle may be equipped with a siren, whistle, or bell capable of emitting sound audible under normal conditions from a distance of not less than five hundred feet and of a type conforming to rules adopted by the state (~~commission on equipment~~) patrol, but the siren shall not be used except when the vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law, in which latter events the driver of the vehicle shall sound the siren when reasonably necessary to warn pedestrians and other drivers of its approach.

Sec. 721. Section 46.37.420, chapter 12, Laws of 1961 as last amended by section 4, chapter 113, Laws of 1986 and RCW 46.37.420 are each amended to read as follows:

(1) It is unlawful to operate a vehicle upon the public highways of this state unless it is completely equipped with pneumatic rubber tires.

(2) No tire on a vehicle moved on a highway may have on its periphery any block, flange, cleat, or spike or any other protuberance of any material other than rubber which projects beyond the tread of the traction surface of the tire, except that it is permissible to use farm machinery with tires having protuberances that will not injure the highway, and except also that it is permissible to use tire chains or metal studs imbedded within the tire of reasonable proportions and of a type conforming to rules adopted by the state (~~commission on equipment~~) patrol, upon any vehicle when required for safety because of snow, ice, or other conditions tending to cause a vehicle to skid. It is unlawful to use metal studs imbedded within the tire between April 1st and November 1st. The state department of transportation may, from time to time, determine additional periods in which the use of tires with metal studs imbedded therein is lawful.

(3) The state department of transportation and local authorities in their respective jurisdictions may issue special permits authorizing the operation upon a highway of traction engines or tractors having movable tracks with transverse corrugations upon the periphery of the movable tracks or farm tractors or other farm machinery, the operation of which upon a highway would otherwise be prohibited under this section.

(4) Tires with metal studs imbedded therein may be used between November 1st and April 1st upon school buses and fire department vehicles, any law or regulation to the contrary notwithstanding.

Sec. 722. Section 3, chapter 77, Laws of 1971 as last amended by section 73, chapter 136, Laws of 1979 ex. sess. and RCW 46.37.425 are each amended to read as follows:

No person shall drive or move or cause to be driven or moved any vehicle, the tires of which have contact with the driving surface of the road, subject to registration in this state, upon the public highways of this state unless such vehicle is equipped with tires in safe operating condition in accordance with requirements established by this section or by the state (~~commission on equipment~~) patrol.

The state (~~commission on equipment~~) patrol shall promulgate rules and regulations setting forth requirements of safe operating condition of tires capable of being employed by a law enforcement officer by visual inspection of tires mounted on vehicles including visual comparison with simple measuring gauges. These rules shall include effects of tread wear and depth of tread.

A tire shall be considered unsafe if it has:

(1) Any ply or cord exposed either to the naked eye or when cuts or abrasions on the tire are probed; or

(2) Any bump, bulge, or knot, affecting the tire structure; or

(3) Any break repaired with a boot; or

(4) A tread depth of less than 2/32 of an inch measured in any two major tread grooves at three locations equally spaced around the circumference of the tire, or for those tires with tread wear indicators, a tire shall be considered unsafe if it is worn to the point that the tread wear indicators contact the road in any two major tread grooves at three locations equally spaced around the circumference of the tire; or

(5) A legend which indicates the tire is not intended for use on public highways such as, "not for highway use" or "for racing purposes only"; or

(6) Such condition as may be reasonably demonstrated to render it unsafe; or

(7) If not matched in tire size designation, construction, and profile to the other tire and/or tires on the same axle.

No person, firm, or corporation shall sell any vehicle for use on the public highways of this state unless the vehicle is equipped with tires that are in compliance with the provisions of this section. If the tires are found to be in violation of the provisions of this section, the person, firm, or corporation selling the vehicle shall cause such tires to be removed from the vehicle and shall equip the vehicle with tires that are in compliance with the provisions of this section.

It is a traffic infraction for any person to operate a vehicle on the public highways of this state, or to sell a vehicle for use on the public highways of this state, which is equipped with a tire or tires in violation of the provisions of this section or the rules and regulations promulgated by the state (~~commission on equipment~~) patrol hereunder: PROVIDED, HOWEVER, That if the violation relates to items (1) to (7) inclusive of this section then the condition or defect must be

such that it can be detected by a visual inspection of tires mounted on vehicles, including visual comparison with simple measuring gauges.

Sec. 723. Section 46.37.430, chapter 12, Laws of 1961 as last amended by section 5, chapter 113, Laws of 1986 and RCW 46.37.430 are each amended to read as follows:

(1) No person may sell any new motor vehicle as specified in this title, nor may any new motor vehicle as specified in this title be registered unless such vehicle is equipped with safety glazing material of a type approved by the state (~~(commission on equipment)~~ patrol) wherever glazing material is used in doors, windows, and windshields. The foregoing provisions apply to all passenger-type motor vehicles, including passenger buses and school buses, but in respect to trucks, including truck tractors, the requirements as to safety glazing material (~~(applies apply)~~) apply to all glazing material used in doors, windows, and windshields in the drivers' compartments of such vehicles except as provided by subsection (4) of this section.

(2) The term "safety glazing materials" means glazing materials so constructed, treated, or combined with other materials as to reduce substantially, in comparison with ordinary sheet glass or plate glass, the likelihood of injury to persons by objects from exterior sources or by these safety glazing materials when they may be cracked or broken.

(3) The director of licensing shall not register any motor vehicle which is subject to the provisions of this section unless it is equipped with an approved type of safety glazing material, and he shall suspend the registration of any motor vehicle so subject to this section which he finds is not so equipped until it is made to conform to the requirements of this section.

(4) No person may sell or offer for sale, nor may any person operate a motor vehicle registered in this state which is equipped with, any camper manufactured after May 23, 1969, unless such camper is equipped with safety glazing material of a type conforming to rules adopted by the state (~~(commission on equipment)~~ patrol) wherever glazing materials are used in outside windows and doors.

(5) No tinting or coloring material that reduces light transmittance to any degree, unless it meets standards for such material adopted by the state (~~(commission on equipment)~~ patrol), may be applied to the surface of the safety glazing material in a motor vehicle in any of the following locations:

- (a) Windshields.
- (b) Windows to the immediate right and left of the driver including windwings or.
- (c) Rearmost windows if used for driving visibility by means of an interior rear-view mirror.

The standards adopted by the (~~(commission)~~ state patrol) shall permit a greater degree of light reduction on a vehicle operated by or carrying as a passenger a person who possesses written verification from a licensed physician that the operator or passenger must be protected from exposure to sunlight for physical or medical reasons.

Nothing in this subsection prohibits the use of shaded or heat-absorbing safety glazing material in which the shading or heat-absorbing characteristics have been applied at the time of manufacture of the safety glazing material and which meet the standards of the state (~~(commission on equipment)~~ patrol) for such safety glazing materials.

(6) The standards used for approval of safety glazing materials by the state (~~(commission on equipment)~~ patrol) shall conform as closely as possible to the standards for safety glazing materials for motor vehicles promulgated by the United States of America Standards Institute in effect at the time of manufacture of the safety glazing material.

Sec. 724. Section 46.37.440, chapter 12, Laws of 1961 as last amended by section 6, chapter 113, Laws of 1986 and RCW 46.37.440 are each amended to read as follows:

(1) No person may operate any motor truck, passenger bus, truck tractor, motor home, or travel trailer over eighty inches in overall width upon any highway outside the corporate limits of municipalities at any time unless there is carried in such vehicle the following equipment except as provided in subsection (2) of this section:

(a) At least three flares or three red electric lanterns or three portable red emergency reflectors, each of which shall be capable of being seen and distinguished at a distance of not less than six hundred feet under normal atmospheric conditions at nighttime.

No flare, fusee, electric lantern, or cloth warning flag may be used for the purpose of compliance with this section unless such equipment is of a type which has been submitted to the state (~~(commission on equipment)~~ patrol) and conforms to rules adopted by it. No portable reflector unit may be used for the purpose of compliance with the requirements of this section unless it is so designed and constructed as to be capable of reflecting red light clearly visible from all distances within six hundred feet to one hundred feet under normal atmospheric conditions at night when directly in front of lawful upper beams of head lamps, and unless it is of a type which has been submitted to the state (~~(commission on equipment)~~ patrol) and conforms to rules adopted by it:

(b) At least three red-burning fusees unless red electric lanterns or red portable emergency reflectors are carried;

(c) At least two red-cloth flags, not less than twelve inches square, with standards to support such flags.

(2) No person may operate at the time and under conditions stated in subsection (1) of this section any motor vehicle used for the transportation of explosives, any cargo tank truck used for the transportation of flammable liquids or compressed gases or liquefied gases, or any motor vehicle using compressed gas as a fuel unless there is carried in such vehicle three red electric lanterns or three portable red emergency reflectors meeting the requirements of subsection (1) of this section, and there shall not be carried in any said vehicle any flares, fuseses, or signal produced by flame.

Sec. 725. Section 46.37.450, chapter 12, Laws of 1961 as amended by section 1, chapter 119, Laws of 1984 and RCW 46.37.450 are each amended to read as follows:

(1) Whenever any motor truck, passenger bus, truck tractor over eighty inches in overall width, trailer, semitrailer, or pole trailer is disabled upon the traveled portion of any highway or the shoulder thereof outside any municipality at any time when lighted lamps are required on vehicles, the driver of such vehicle shall display the following warning devices upon the highway during the time the vehicle is so disabled on the highway except as provided in subsection (2) of this section:

(a) A lighted fusee, a lighted red electric lantern, or a portable red emergency reflector shall be immediately placed at the traffic side of the vehicle in the direction of the nearest approaching traffic.

(b) As soon thereafter as possible but in any event within the burning period of the fusee (fifteen minutes), the driver shall place three liquid-burning flares (pot torches), three lighted red electric lanterns, or three portable red emergency reflectors on the traveled portion of the highway in the following order:

(i) One, approximately one hundred feet from the disabled vehicle in the center of the lane occupied by such vehicle and toward traffic approaching in that lane.

(ii) One, approximately one hundred feet in the opposite direction from the disabled vehicle and in the center of the traffic lane occupied by such vehicle.

(iii) One at the traffic side of the disabled vehicle not less than ten feet rearward or forward thereof in the direction of the nearest approaching traffic. If a lighted red electric lantern or a red portable emergency reflector has been placed at the traffic side of the vehicle in accordance with subdivision (a) of this subsection, it may be used for this purpose.

(2) Whenever any vehicle referred to in this section is disabled within five hundred feet of a curve, hillcrest, or other obstruction to view, the warning signal in that direction shall be so placed as to afford ample warning to other users of the highway, but in no case less than five hundred feet from the disabled vehicle.

(3) Whenever any vehicle of a type referred to in this section is disabled upon any roadway of a divided highway during the time that lights are required, the appropriate warning devices prescribed in subsections (1) and (5) of this section shall be placed as follows:

One at a distance of approximately two hundred feet from the vehicle in the center of the lane occupied by the stopped vehicle and in the direction of traffic approaching in that lane; one at a distance of approximately one hundred feet from the vehicle, in the center of the lane occupied by the vehicle and in the direction of traffic approaching in that lane; and one at the traffic side of the vehicle and approximately ten feet from the vehicle in the direction of the nearest approaching traffic.

(4) Whenever any vehicle of a type referred to in this section is disabled upon the traveled portion of a highway or the shoulder thereof outside any municipality at any time when the display of fuseses, flares, red electric lanterns, or portable red emergency reflectors is not required, the driver of the vehicle shall display two red flags upon the roadway in the lane of traffic occupied by the disabled vehicle, one at a distance of approximately one hundred feet in advance of the vehicle, and one at a distance of approximately one hundred feet to the rear of the vehicle.

(5) Whenever any motor vehicle used in the transportation of explosives or any cargo tank truck used for the transportation of any flammable liquid or compressed flammable gas, or any motor vehicle using compressed gas as a fuel, is disabled upon a highway of this state at any time or place mentioned in subsection (1) of this section, the driver of such vehicle shall immediately display the following warning devices: One red electric lantern or portable red emergency reflector placed on the roadway at the traffic side of the vehicle, and two red electric lanterns or portable red reflectors, one placed approximately one hundred feet to the front and one placed approximately one hundred feet to the rear of this disabled vehicle in the center of the traffic lane occupied by such vehicle. Flares, fuseses, or signals produced by flame shall not be used as warning devices for disabled vehicles of the type mentioned in this subsection.

(6) Whenever any vehicle, other than those described in subsection (1) of this section, is disabled upon the traveled portion of any highway or shoulder thereof outside any municipality at any time when lights are required on vehicles, the state patrol or the county sheriff shall, upon discovery of the disabled vehicle, place a reflectorized warning device on or near the vehicle. The warning device and its placement shall be in accordance with rules adopted by the ~~((commission on equipment))~~ state patrol. Neither the standards for, placement or use of, nor the lack of placement or use of a warning device under this subsection gives rise to any

civil liability on the part of the state of Washington, the state patrol, any county, or any law enforcement agency or officer.

(7) The flares, fuseses, red electric lanterns, portable red emergency reflectors, and flags to be displayed as required in this section shall conform with the requirements of RCW 46.37.440 applicable thereto.

Sec. 726. Section 46.37.470, chapter 12, Laws of 1961 and RCW 46.37.470 are each amended to read as follows:

(1) The term "air-conditioning equipment" as used or referred to in this section shall mean mechanical vapor compression refrigeration equipment which is used to cool the driver's or passenger compartment of any motor vehicle.

(2) Such equipment shall be manufactured, installed and maintained with due regard for the safety of the occupants of the vehicle and the public and shall not contain any refrigerant which is toxic to persons or which is flammable.

(3) The state (~~(commission on equipment)~~) patrol may adopt and enforce safety requirements, regulations and specifications consistent with the requirements of this section applicable to such equipment which shall correlate with and, so far as possible, conform to the current recommended practice or standard applicable to such equipment approved by the society of automotive engineers.

(4) No person shall have for sale, offer for sale, sell or equip any motor vehicle with any such equipment unless it complies with the requirements of this section.

(5) No person shall operate on any highway any motor vehicle equipped with any air-conditioning equipment unless said equipment complies with the requirements of this section.

Sec. 727. Section 46.37.490, chapter 12, Laws of 1961 and RCW 46.37.490 are each amended to read as follows:

It shall be unlawful to operate any vehicle upon the public highways of this state without having the load thereon securely fastened and protected by safety chains or other device. The (~~(state commission on equipment)~~) chief of the Washington state patrol is hereby authorized to adopt and enforce reasonable rules and regulations as to what shall constitute adequate and safe chains or other devices for the fastening and protection of loads upon vehicles.

Sec. 728. Section 1, chapter 215, Laws of 1983 and RCW 46.37.505 are each amended to read as follows:

(~~By October 1, 1983;~~) The state (~~(commission on equipment)~~) patrol shall adopt standards for the performance, design, and installation of passenger restraint systems for children less than five years old and shall approve those systems which meet its standards.

Sec. 729. Section 1, chapter 117, Laws of 1963 as last amended by section 7, chapter 113, Laws of 1986 and RCW 46.37.510 are each amended to read as follows:

(1) No person may sell any automobile manufactured or assembled after January 1, 1964, nor may any owner cause such vehicle to be registered thereafter under the provisions of chapter 46.12 RCW unless such motor car or automobile is equipped with automobile seat belts installed for use on the front seats thereof which are of a type and installed in a manner conforming to rules adopted by the state (~~(commission on equipment)~~) patrol. Where registration is for transfer from an out-of-state license, the applicant shall be informed of this section by the issuing agent and has thirty days to comply. The state (~~(commission on equipment)~~) patrol shall adopt and enforce standards as to what constitutes adequate and safe seat belts and for the fastening and installation of them. Such standards shall not be below those specified as minimum requirements by the Society of Automotive Engineers on June 13, 1963.

(2) Every passenger car manufactured or assembled after January 1, 1965, shall be equipped with at least two lap-type safety belt assemblies for use in the front seating positions.

(3) Every passenger car manufactured or assembled after January 1, 1968, shall be equipped with a lap-type safety belt assembly for each permanent passenger seating position. This requirement shall not apply to police vehicles.

(4) Every passenger car manufactured or assembled after January 1, 1968, shall be equipped with at least two shoulder harness-type safety belt assemblies for use in the front seating positions.

(5) The (~~(commission on equipment)~~) state patrol shall excuse specified types of motor vehicles or seating positions within any motor vehicle from the requirements imposed by subsections (1), (2), and (3) of this section when compliance would be impractical.

(6) No person may distribute, have for sale, offer for sale, or sell any safety belt or shoulder harness for use in motor vehicles unless it meets current minimum standards and specifications conforming to rules adopted by the (~~(commission)~~) state patrol or the United States department of transportation.

Sec. 730. Section 61, chapter 170, Laws of 1965 ex. sess. as amended by section 4, chapter 91, Laws of 1971 ex. sess. and RCW 46.37.520 are each amended to read as follows:

It shall be unlawful for any person to lease for hire or permit the use of any vehicle with soft tires commonly used upon the beach and referred to as a dune buggy unless such vehicle has been inspected by and approved by the state (~~(commission on equipment)~~) patrol, which (~~(commission)~~) may charge a reasonable fee therefor to go into the motor vehicle fund.



Sec. 731. Section 51, chapter 355, Laws of 1977 ex. sess. as amended by section 158, chapter 158, Laws of 1979 and RCW 46.37.529 are each amended to read as follows:

(1) The state (~~((commission on equipment))~~ patrol) is authorized to require an inspection of the braking system on any motor-driven cycle and to disapprove any such braking system on a vehicle which it finds will not comply with the performance ability standard set forth in RCW 46.37.351, or which in its opinion is equipped with a braking system that is not so designed or constructed as to ensure reasonable and reliable performance in actual use.

(2) The director of licensing may refuse to register or may suspend or revoke the registration of any vehicle referred to in this section when the state (~~((commission on equipment))~~ patrol) determines that the braking system thereon does not comply with the provisions of this section.

(3) No person shall operate on any highway any vehicle referred to in this section in the event the state (~~((commission on equipment))~~ patrol) has disapproved the braking system upon such vehicle.

Sec. 732. 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))~~ patrol):

(c) 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))~~ patrol).

(2) The state (~~((commission on equipment))~~ patrol) 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. 733. 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))~~ state patrol).

Sec. 734. Section 4, chapter 200, Laws of 1983 and RCW 46.37.610 are each amended to read as follows:

The (~~((commission on equipment))~~ state patrol) shall adopt rules for wheelchair conveyance safety standards. Operation of a wheelchair conveyance that is in violation of these standards is a traffic infraction.

Sec. 735. Section 2, chapter 204, Laws of 1963 and RCW 46.38.020 are each amended to read as follows:

The legislature finds that:

(1) The public safety necessitates the continuous development, modernization and implementation of standards and requirements of law relating to vehicle equipment, in accordance with expert knowledge and opinion.

(2) The public safety further requires that such standards and requirements be uniform from jurisdiction to jurisdiction, except to the extent that specific and compelling evidence supports variation.

(3) The state (~~((commission on equipment))~~ patrol), acting upon recommendations of the vehicle equipment safety commission and pursuant to the vehicle equipment safety compact provides a just, equitable and orderly means of promoting the public safety in the manner and within the scope contemplated by this chapter.

Sec. 736. Section 3, chapter 204, Laws of 1963 as amended by section 57, chapter 145, Laws of 1967 ex. sess. and RCW 46.38.030 are each amended to read as follows:

Pursuant to Article V(e) of the vehicle equipment safety compact it is the intention of this state and it is hereby provided that any rule, regulation, or code issued by the vehicle equipment safety commission in accordance with Article V of the compact shall take effect when issued in accordance with the administrative procedure act by the state (~~((commission on equipment))~~ patrol).

Sec. 737. Section 4, chapter 204, Laws of 1963 and RCW 46.38.040 are each amended to read as follows:

The commissioner of this state on the vehicle equipment safety commission shall be appointed by the (~~((members of the state commission on equipment))~~ chief of the state patrol) to serve at (~~((their))~~ the chief's) pleasure. The (~~((members of the state commission on equipment))~~ chief of the state patrol)

chief of the state patrol may also designate an alternate commissioner to serve whenever the commissioner of this state is unable to participate on the vehicle equipment safety commission. Subject to the provisions of the compact and bylaws of the vehicle equipment safety commission, the authority and responsibilities of such alternate shall be as determined by the (~~state commission on equipment~~) chief of the state patrol.

Sec. 738. Section 6, chapter 204, Laws of 1963 and RCW 46.38.060 are each amended to read as follows:

Filing of documents as required by Article III(f) of the compact shall be with the (~~secretary of the state commission on equipment~~) chief of the state patrol. Any and all notices required by commission bylaws to be given pursuant to Article III(f) of the compact shall be given to the commissioner of this state, his alternate, if any, and the (~~secretary of the state commission on equipment~~) chief of the state patrol.

Sec. 739. 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 46.37.065;~~

(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 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)~~) (4) "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)~~) (5) "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)~~) (6) "Residential property" means property that has no more than four living units located on it.

(~~(8)~~) (7) "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)~~) state patrol.

(~~(9)~~) (8) "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)~~) (9) "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)~~) (10) "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)~~) (11) "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. 740. Section 5, chapter 377, Laws of 1985 and RCW 46.55.050 are each amended to read as follows:

(1) Tow trucks shall be classified by towing capabilities, and shall meet or exceed all equipment standards set by the ~~((commission on equipment))~~ state patrol for the type of tow trucks to be used by an operator.

(2) All tow trucks shall display the firm's name, city of address, and telephone number. This information shall be painted on or permanently affixed to both sides of the vehicle in accordance with rules adopted by the department.

(3) Before a tow truck is put into tow truck service, or when the reinspection of a tow truck is necessary, the district commander of the state patrol shall designate a location and time for the inspection to be conducted. When practicable, the inspection or reinspection shall be made within three business days following the request by the operator.

(4) Failure to comply with any requirement of this section or rules adopted under it is a traffic infraction.

Sec. 741. 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))~~ patrol.

Sec. 742. Section 18, chapter 377, Laws of 1985 and RCW 46.55.180 are each amended to read as follows:

The director or the ~~((commission))~~ chief of the state patrol may use a hearing officer or administrative law judge for presiding over a hearing regarding infractions by registered tow truck operators of this chapter, chapter 46.37 RCW, or rules adopted thereunder.

Sec. 743. Section 2, chapter 167, Laws of 1977 ex. sess. and RCW 46.61.563 are each amended to read as follows:

As used in this chapter, the following terms shall have the following meanings unless the context clearly requires otherwise:

(1) ~~((“Commission” means the state commission on equipment as defined in RCW 46.37.005; (2) “Person” means an individual, firm, partnership, corporation, company, association, or their lessees, trustees, or receivers;~~

~~((3))~~ (2) "Highway" means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel;

~~((4))~~ (3) "Towing operator" means every person who engages in the towing of vehicles and motor vehicles on a highway by means of equipment affixed to a specially constructed tow truck complying with the equipment specifications and standards promulgated by the ~~((commission))~~ state patrol; and

~~((5))~~ (4) "Tow truck" means a specially constructed and equipped motor vehicle for towing vehicles and not otherwise used in transporting goods for compensation.

Sec. 744. Section 5, chapter 167, Laws of 1977 ex. sess. as amended by section 22, chapter 178, Laws of 1979 ex. sess. and RCW 46.61.567 are each amended 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 ~~((commission))~~ state patrol 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))~~ state patrol 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))~~ state patrol 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))~~ state patrol.

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. The costs of removal and storage of vehicles under this section shall be paid by the owner or driver of the vehicle and shall be a lien upon the vehicle until paid, unless the removal is determined to be invalid.

Rules promulgated under this section shall be binding only upon those towing operators appointed by the ~~((commission))~~ state patrol for the purpose of performing towing services at the request of the Washington state patrol. Any person aggrieved by a decision of the ~~((commission))~~ state patrol made under this section may appeal the decision under chapter 34.04 RCW.

Sec. 745. Section 2, chapter 215, Laws of 1983 and RCW 46.61.687 are each amended to read as follows:

(1) After December 31, 1983, the parent or legal guardian of a child less than five years old, when the parent or legal guardian is operating anywhere in the state his or her own motor vehicle registered under chapter 46.16 RCW, in which the child is a passenger, shall have the child properly secured in a manner approved by the state (~~commission on equipment~~) patrol. Even though a separate child passenger restraint device is considered the ideal method of protection, a properly adjusted and fastened, federally approved seat belt is deemed sufficient to meet the requirements of this section for children one through four years of age.

(2) During the period from January 1, 1984, to July 1, 1984, a person violating subsection (1) of this section may be issued a written warning of the violation. After July 1, 1984, a person violating subsection (1) of this section may be issued a notice of traffic infraction under chapter 46.63 RCW. If the person to whom the notice was issued presents proof of acquisition of an approved child passenger restraint system within seven days to the jurisdiction issuing the notice, the jurisdiction shall dismiss the notice of traffic infraction. If the person fails to present proof of acquisition within the time required, he or she is subject to a penalty assessment of not less than thirty dollars.

(3) Failure to comply with the requirements of this section shall not constitute negligence by a parent or legal guardian; nor shall failure to use a child restraint system be admissible as evidence of negligence in any civil action.

Sec. 746. Section 85, chapter 155, Laws of 1965 ex. sess. as amended by section 39, chapter 62, Laws of 1975 and RCW 46.61.780 are each amended to read as follows:

(1) Every bicycle when in use during the hours of darkness as defined in RCW 46.37.020 shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least five hundred feet to the front and with a red reflector on the rear of a type approved by the state (~~commission on equipment~~) patrol which shall be visible from all distances from one hundred feet to six hundred feet to the rear when directly in front of lawful lower beams of head lamps on a motor vehicle. A lamp emitting a red light visible from a distance of five hundred feet to the rear may be used in addition to the red reflector.

(2) Every bicycle shall be equipped with a brake which will enable the operator to make the braked wheels skid on dry, level, clean pavement.

Sec. 747. Section 2, chapter 7, Laws of 1969 ex. sess. as last amended by section 203, chapter 7, Laws of 1984 and RCW 47.36.250 are each amended to read as follows:

If the department or its delegate determines at any time for any part of the public highway system that the unsafe conditions of the roadway require particular tires, tire chains, or traction equipment in addition to or beyond the ordinary pneumatic rubber tires, the department may establish the following recommendations or requirements with respect to the use of such equipment for all persons using such public highway:

(1) Dangerous road conditions, chains or other approved traction devices recommended.

(2) Dangerous road conditions, chains or other approved traction devices required.

(3) Dangerous road conditions, chains required.

Any equipment that may be required by this section shall be approved by the state (~~commission on equipment~~) patrol as authorized under RCW 46.37.420.

The department shall place and maintain signs and other traffic control devices on the public highways that indicate the tire, tire chain, or traction equipment recommendation or requirement determined under this section. Such signs or traffic control devices shall in no event prohibit the use of studded tires from November 1st to April 1st, but when the department determines that chains are required and that no other traction equipment will suffice, the requirement is applicable to all types of tires including studded tires. The signs or traffic control devices may specify different recommendations or requirements for four wheel drive vehicles in gear.

Failure to obey a requirement indicated by a sign or other traffic control device placed or maintained under this section is a misdemeanor.

Sec. 748. Section 47.52.120, chapter 13, Laws of 1961 as amended by section 1, chapter 149, Laws of 1985 and RCW 47.52.120 are each amended to read as follows:

After the opening of any limited access highway facility, it shall be unlawful for any person (1) to drive a vehicle over, upon, or across any curb, central dividing section, or other separation or dividing line on limited access facilities; (2) to make a left turn or semicircular or U-turn except through an opening provided for that purpose in the dividing curb section, separation, or line; (3) to drive any vehicle except in the proper lane provided for that purpose and in the proper direction and to the right of the central dividing curb, separation section, or line; (4) to drive any vehicle into the limited access facility from a local service road except through an opening provided for that purpose in the dividing curb, dividing section, or dividing line which separates such service road from the limited access facility proper; (5) to stop or park any vehicle or equipment within the right of way of such facility, including the shoulders thereof, except at points specially provided therefor, and to make only such use of such specially provided stopping or parking points as is permitted by the designation thereof; PROVIDED, That this subsection shall not apply to authorized emergency vehicles, law enforcement vehicles, assistance vans, or to vehicles stopped for emergency causes or equipment failures;

(6) to travel to or from such facility at any point other than a point designated by the establishing authority as an approach to the facility or to use an approach to such facility for any use in excess of that specified by the establishing authority. For the purposes of this section, an assistance van is a vehicle rendering aid free of charge to vehicles with equipment or fuel problems. The ~~((commission on equipment))~~ state patrol shall establish by rule additional standards and operating procedures, as needed, for assistance vans.

Any person who violates any of the provisions of this section is guilty of a misdemeanor and upon arrest and conviction therefor shall be punished by a fine of not less than five dollars nor more than one hundred dollars, or by imprisonment in the city or county jail for not less than five days nor more than ninety days, or by both fine and imprisonment. Nothing contained in this section prevents the highway authority from proceeding to enforce the prohibitions or limitations of access to such facilities by injunction or as otherwise provided by law.

Sec. 749. Section 7, chapter 183, Laws of 1974 ex. sess. and RCW 70.107.070 are each amended to read as follows:

Any rule adopted under this chapter relating to the operation of motor vehicles on public highways shall be administered according to testing and inspection procedures adopted by rule by the state ~~((commission on equipment))~~ patrol. Violation of any motor vehicle performance standard adopted pursuant to this chapter shall be a misdemeanor, enforced by such authorities and in such manner as violations of chapter 46.37 RCW. Violations subject to the provisions of this section shall be exempt from the provisions of RCW 70.107.050.

PART VIII  
BOARD OF EXAMINERS FOR WATER  
AND WASTEWATER OPERATOR CERTIFICATION

NEW SECTION. Sec. 801. A new section is added to chapter 70.95B RCW to read as follows:

The director shall designate representatives of certified wastewater treatment plant operators, sewer districts, and employers of certified wastewater treatment plant operators. The director shall consult with these representatives and with the department of social and health services in developing, amending, and evaluating the wastewater certification exams, reviewing reciprocity requests, conducting revocation hearings, and developing rules and regulations.

In order to achieve additional consultation, the director may create a committee or committees of interested parties. The director may authorize customary reimbursement or allowance for travel expenses for those serving on such a committee or committees while they are engaged in the committee's business, in accordance with RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 802. A new section is added to chapter 70.119 RCW to read as follows:

The secretary shall designate representatives of certified waterworks operators, water districts, and employers of certified waterworks operators. The secretary shall consult with representatives of these groups and with the department of ecology in developing, amending, and evaluating the waterworks certification exams, reviewing reciprocity requests, conducting revocation hearings, and developing rules and regulations.

In order to achieve additional consultation, the secretary may create a committee or committees of interested parties. The secretary may authorize customary reimbursement or allowance for travel expenses for those serving on such a committee or committees while they are engaged in the committee's business, in accordance with RCW 43.03.050 and 43.03.060.

Sec. 803. Section 2, chapter 139, Laws of 1973 and RCW 70.95B.020 are each amended to read as follows:

As used in this chapter unless context requires another meaning:

(1) "Director" means the director of the department of ecology.

(2) "Department" means the department of ecology.

(3) ~~((("Board" means the water and wastewater operator certification board of examiners established by RCW 70.95B.070.~~

(4)) "Certificate" means a certificate of competency issued by the director stating that the operator has met the requirements for the specified operator classification of the certification program.

((5)) (4) "Waste treatment plant" means a facility used in the collection, transmission, storage, pumping, treatment or discharge of any liquid or waterborne waste, whether of domestic origin or a combination of domestic, commercial or industrial waste, and which by its design requires the presence of an operator for its operation. It shall not include any facility used exclusively by a single family residence nor septic tanks with subsoil absorption nor industrial wastewater works.

((6)) (5) "Operator" means an individual employed or appointed by any county, sewer district, municipality, public or private corporation, company, institution, person, or the state of Washington who is designated by the employing or appointing officials as the person on-site in responsible charge of the actual operation of a waste treatment plant.

((7)) (6) "Nationally recognized association of certification authorities" shall mean that organization which serves as an information center for certification activities, recommends minimum standards and guidelines for classification of potable water treatment plants, water

distribution systems and wastewater facilities and certification of operators, facilitates reciprocity between state programs and assists authorities in establishing new certification programs and updating existing ones.

Sec. 804. Section 4, chapter 139, Laws of 1973 and RCW 70.95B.040 are each amended to read as follows:

The director ~~(- with the approval of the board;)~~ shall adopt and enforce such rules and regulations as may be necessary for the administration of this chapter. The rules and regulations shall include, but not be limited to, provisions for the qualification and certification of operators for different classifications of waste treatment plants.

Sec. 805. Section 7, chapter 139, Laws of 1973 as last amended by section 106, chapter 287, Laws of 1984 and RCW 70.95B.070 are each amended to read as follows:

~~((For the purpose of carrying out the provisions of this chapter, a board of examiners for wastewater operator certification shall be appointed. This board may serve in a common capacity for the certification of both water and wastewater plant and system operators. One member shall be named from the department of ecology, by its director to serve at his pleasure, and one member from the department of social and health services by its secretary, to serve at his pleasure, and one member who is required to employ a certified operator and who holds the position of city manager, city engineer, director of public works, superintendent of utilities, or an equivalent position who will be appointed by the governor. The governor shall also appoint two members who are operators holding a certificate of at least the second highest operator classification for wastewater plant operators established by regulation of the director, and if authorized in a water supply system operator certification act, two members who are operators holding a certificate of at least the second highest classification for water works operators established pursuant to such act.~~

~~The employer representative shall be appointed for an initial one-year term and the operators for initial terms of two and three years respectively. Thereafter, the members appointed by the governor shall serve for a three-year period. Vacancies shall be filled for the remainder for an unexpired term by the appointing authorities.~~

~~This board shall assist in the development of)~~ The director of the department of ecology shall develop rules and regulations, shall prepare, administer, and evaluate examinations of operator competency as required in this chapter, and shall ~~(recommend the issuance or revocation of)~~ issue and revoke certificates. The ~~(board)~~ director shall determine when and where the examinations shall be held. The examination shall be held at least three times annually.

~~((Each member appointed by the governor shall be compensated in accordance with RCW 43.03.240 and shall be reimbursed for travel expenses while engaged in the business of the board as prescribed in RCW 43.03.050 and 43.03.060.))~~

Sec. 806. Section 10, chapter 139, Laws of 1973 and RCW 70.95B.100 are each amended to read as follows:

The director may ~~(- with the recommendation of the board and after a hearing before the same;)~~ revoke a certificate found to have been obtained by fraud or deceit, or for gross negligence in the operation of a waste treatment plant, or for violating the requirements of this chapter or any lawful rule, order or regulation of the department. No person whose certificate is revoked under this section shall be eligible to apply for a certificate for one year from the effective date of this final order or revocation.

Sec. 807. Section 13, chapter 139, Laws of 1973 and RCW 70.95B.130 are each amended to read as follows:

On or after July 1, 1973, certification of operators by any state which, as determined by the director, accepts certifications made or certification requirements deemed satisfied pursuant to the provisions of this chapter, shall be accorded reciprocal treatment and shall be recognized as valid and sufficient within the purview of this chapter, if in the judgment of the director the certification requirements of such state are substantially equivalent to the requirements of this chapter or any rules or regulations promulgated hereunder.

In making determinations pursuant to this section, the director ~~((shall consult with the board and))~~ may consider any generally applicable criteria and guidelines developed by the nationally recognized association of certification authorities.

Sec. 808. Section 2, chapter 99, Laws of 1977 ex. sess. as amended by section 2, chapter 292, Laws of 1983 and RCW 70.119.020 are each amended to read as follows:

As used in this chapter unless context requires another meaning:

(1) ~~((“Board” means the board established pursuant to RCW 70.95B.070 which shall be known as the water and waste water operator certification board of examiners.~~

~~(2))~~ “Certificate” means a certificate of competency issued by the secretary stating that the operator has met the requirements for the specified operator classification of the certification program.

~~((3))~~ (2) “Department” means the department of social and health services.

~~((4))~~ (3) “Distribution system” means that portion of a public water supply system which stores, transmits, pumps and distributes water to consumers.

~~((f5))~~ (4) "Nationally recognized association of certification authorities" shall mean an organization which serves as an information center for certification activities, recommends minimum standards and guidelines for classification of potable water treatment plants, water distribution systems and waste water facilities and certification of operators, facilitates reciprocity between state programs and assists authorities in establishing new certification programs and updating existing ones.

~~((f6))~~ (5) "Certified operator" means an individual employed or appointed by any county, water district, municipality, public or private corporation, company, institution, person, or the state of Washington who is designated by the employing or appointing officials as the person responsible for active daily technical operation.

~~((f7))~~ (6) "Public water supply system" means any water supply system intended or used for human consumption or other domestic uses, including source, treatment, storage, transmission and distribution facilities where water is furnished to any community or group of individuals, or is made available to the public for human consumption or domestic use, but excluding all water supply systems serving one single family residence.

~~((f8))~~ (7) "Purification plant" means that portion of a public water supply system which treats or improves the physical, chemical or bacteriological quality of the system's water to bring the water into compliance with state board of health standards.

~~((f9))~~ (8) "Secretary" means the secretary of the department of social and health services. Sec. 809, Section 5, chapter 99, Laws of 1977 ex. sess. as amended by section 4, chapter 292, Laws of 1983 and RCW 70.119.050 are each amended to read as follows:

The secretary shall adopt ~~((with the approval of the board))~~ such rules and regulations as may be necessary for the administration of this chapter and shall enforce such rules and regulations. The rules and regulations shall include provisions establishing minimum qualifications and procedures for the certification of operators, criteria for determining the kind and nature of continuing educational requirements for renewal of certification under RCW 70.119.100(2), and provisions for classifying water purification plants and distribution systems.

Rules and regulations adopted under the provisions of this section shall be adopted in accordance with the provisions of chapter 34.04 RCW.

Sec. 810, Section 8, chapter 99, Laws of 1977 ex. sess. as amended by section 6, chapter 292, Laws of 1983 and RCW 70.119.080 are each amended to read as follows:

~~((For the purpose of carrying out the provisions of this chapter, the membership of the water and wastewater operator certification board of examiners established under RCW 70.95B.070 shall, pursuant to RCW 70.95B.070:~~

~~(1) Be expanded to include two waterworks operators;~~

~~(2) Serve in a common capacity for the certification of both water and wastewater plant and system operators; and~~

~~(3) Be expanded to include one commissioner from a water district and one commissioner from a sewer district operating under Title 56 or 57 RCW.~~

~~In addition to the powers and duties in RCW 70.95B.070, the board shall assist in the development of rules and regulations implementing this chapter.)~~ The secretary shall prepare, administer and evaluate examinations of operator competency as required in this chapter, and shall ~~((recommend the issuance or revocation of))~~ issue and revoke certificates. The ~~((board))~~ secretary shall determine where and when the examinations shall be held. Such examinations shall be held at least three times annually.

Sec. 811, Section 11, chapter 99, Laws of 1977 ex. sess. as amended by section 9, chapter 292, Laws of 1983 and RCW 70.119.110 are each amended to read as follows:

The secretary may ~~((with the recommendation of the board and after hearing before the same))~~ revoke a certificate found to have been obtained by fraud or deceit; or for gross negligence in the operation of a purification plant or distribution system; or for an intentional violation of the requirements of this chapter or any lawful rules, order, or regulation of the department. No person whose certificate is revoked under this section shall be eligible to apply for a certificate for six months from the effective date of the final order of revocation.

Sec. 812, Section 14, chapter 99, Laws of 1977 ex. sess. and RCW 70.119.140 are each amended to read as follows:

Operators certified by any state under provisions that, in the judgment of the secretary, are substantially equivalent to the requirements of this chapter and any rules and regulations promulgated hereunder, may be issued, upon application, a certificate without examination.

In making determinations pursuant to this section, the secretary ~~((shall consult with the board and))~~ may consider any generally applicable criteria and guidelines developed by a nationally recognized association of certification authorities.

#### PART IX

#### FOREST PRACTICES ADVISORY COMMITTEE

NEW SECTION. Sec. 901, Section 20, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.200 are each repealed.

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.

PART XI  
WINTER RECREATION  
ADVISORY COMMITTEE

Sec. 1101. 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 XII  
SNOWMOBILE ADVISORY  
COMMITTEE

Sec. 1201. 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 XIII  
FOREST PRACTICES  
BOARD

Sec. 1301. 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 XIV

NEW SECTION, Sec. 1401. This act shall not be construed as affecting any existing right acquired or liability or obligation incurred under the sections amended or repealed in this act or under any rule, regulation, or order adopted under those sections, nor as affecting any proceeding instituted under those sections. The rules of the agencies abolished by this act shall continue in force until acted upon by the succeeding agency and shall be enforced by the succeeding agency. If there is no succeeding agency, the rules shall terminate.

NEW SECTION, Sec. 1402. 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."

#### MOTION

Senator Talmadge moved that the following amendment to the Committee on Governmental Operations amendment be adopted:

On page 1, after line 4 of the amendment, insert the following:

##### "PART I

##### LAW REVISION COMMISSION

NEW SECTION, Sec. 101. The following acts or parts of acts are each repealed:

- (1) Section 1, chapter 183, Laws of 1982 and RCW 1.30.010;
- (2) Section 2, chapter 183, Laws of 1982 and RCW 1.30.020;
- (3) Section 3, chapter 183, Laws of 1982 and RCW 1.30.030;
- (4) Section 4, chapter 183, Laws of 1982 and RCW 1.30.040;
- (5) Section 5, chapter 183, Laws of 1982 and RCW 1.30.050;
- (6) Section 9, chapter 183, Laws of 1982 and RCW 1.30.060; and
- (7) Section 10, chapter 183, Laws of 1982 and RCW 41.06.083."

Renumber the remaining parts and sections, and correct any internal references accordingly.

Debate ensued.

#### POINT OF ORDER

Senator Deccio: "Mr. President, I would like to challenge the scope and object of the Senate amendment to Engrossed Substitute House Bill No. 454. I see some language in here that really bothers me on page 21, line 3, giving additional powers to the Executive Director of the HEP Board. This is a board that is just newly created and we have real problems with agencies that exceed the legislative intent and we spell it out in language that says, 'The Executive Director shall exercise such additional powers, other than rule making as may be delegated by the board by resolution.' I think what really bothers me, and I think it ought to bother other people on this floor, there is no other way to do this. I only wanted to challenge this language, but I understand from talking to the Secretary, that I had to challenge the scope and object of the entire bill and I hate to do that, but I had no other choice."

#### PARLIAMENTARY INQUIRY

Senator Newhouse: "Do I understand that he is challenging the committee amendment?"

#### REPLY BY THE PRESIDENT

President Cherberg: "It's my understanding, Senator."  
Further debate ensued.

#### MOTION

On motion by Senator Vognild, further consideration of Engrossed Substitute House Bill No. 454 was deferred.

President Pro Tempore Rasmussen assumed the chair.

There being no objection, the President Pro Tempore returned the Senate to the fourth order of business.

## MESSAGE FROM THE HOUSE

April 15, 1987

Mr. President:

The House insists on its position regarding the House amendments to SUBSTITUTE SENATE BILL NO. 5058 and asks the Senate for a conference thereon. The Speaker has appointed the following members as Conferees: Representatives H. Sommers, Peery and Hankins, and the bill and the amendments are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Vognild, the request of the House for a conference on Substitute Senate Bill No. 5058 and the House amendments thereto was granted.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President Pro Tempore appointed as members of the Conference Committee on Substitute Senate Bill No. 5058 and the House amendments thereon: Senators Kreidler, Deccio and Halsan.

## MOTION

On motion of Senator Vognild, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

April 15, 1987

Mr. President:

The House insists on its position regarding the House amendments to SUBSTITUTE SENATE BILL NO. 5061 on page 3, line 9, and asks the Senate for a conference thereon. The Speaker has appointed the following members as Conferees: Representatives Walk, Spanel and Padden, and the bill and the amendments are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Vognild, the request of the House for a conference on Substitute Senate Bill No. 5061 and the House amendments thereto was granted.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President Pro Tempore appointed as members of the Conference Committee on Substitute Senate Bill No. 5061 and the House amendments thereon: Senators Talmadge, Nelson and Moore.

## MOTION

On motion of Senator Vognild, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

April 15, 1987

Mr. President:

The House insists on its position regarding the Senate amendments to SUBSTITUTE HOUSE BILL NO. 116 and asks the Senate for a conference thereon. The Speaker has appointed the following members as Conferees: Representatives Haugen, Nutley and L. Smith, and the bill and the amendments are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Vognild, the request of the House for a conference on Substitute House Bill No. 116 and the Senate amendments thereto was granted.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President Pro Tempore appointed as members of the Conference Committee on Substitute House Bill No. 116 and the Senate amendments thereon: Senators Halsan, McCaslin and Rasmussen.

## MOTION

On motion of Senator Vognild, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

April 15, 1987

Mr. President:

The House insists on its position regarding the Senate amendments to HOUSE BILL NO. 135 and asks the Senate for a conference thereon. The Speaker has appointed the following members as Conferees: Representatives Peery, H. Sommers and Hankins, and the bill and the amendments are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Vognild, the request of the House for a conference on House Bill No. 135 and the Senate amendments thereto was granted.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President Pro Tempore appointed as members of the Conference Committee on House Bill No. 135 and the Senate amendments thereon: Senators DeJarnatt, Zimmerman and Halsan.

## MOTION

On motion of Senator Vognild, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

April 15, 1987

Mr. President:

The House refuses to concur in the Senate amendments to HOUSE BILL NO. 1049 and asks the Senate for a conference thereon. The Speaker has appointed the following members as Conferees: Representatives Armstrong, Heavey and Padden, and the bill and the amendments are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Vognild, the request of the House for a conference on House Bill No. 1049 and the Senate amendments thereto was granted.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President Pro Tempore appointed as members of the Conference Committee on House Bill No. 1049 and the Senate amendments thereon: Senators Talmadge, Newhouse and Vognild.

## MOTION

On motion of Senator Vognild, the Conference Committee appointments were confirmed.

## MOTION

At 9:41 p.m., on motion of Senator Bottiger, the Senate adjourned until 10:00 a.m., Friday, April 17, 1987.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

## NINETY-SIXTH DAY

---

### MORNING SESSION

---

Senate Chamber, Olympia, Friday, April 17, 1987

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard, consisting of Pages Teresa Berntsen and Kristi Kiteley, presented the Colors. Reverend Ronald W. Hastie, pastor of the Evergreen Christian Center of Olympia, offered the prayer.

#### MOTION

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

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

#### MOTION

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

#### SENATE RESOLUTION 1987-8658

by Senators Gaspard, Conner, Rasmussen, Bauer, Bender, Bottiger, DeJarnatt, Fleming, Garrett, Halsan, Hansen, Kreidler, McDermott, Moore, Owen, Peterson, Rinehart, Smitherman, Stratton, Talmadge, Tanner, Vognild, Warnke, Williams, Wojahn, Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Pullen, Patterson, Saling, Sellar, West, von Reichbauer and Zimmerman; Lieutenant Governor, John A. Cherberg; Secretary of the Senate, Sid Snyder; Assistant Secretary of the Senate, Bill Gleason; Sergeant At Arms, Orlando Scarpelli

WHEREAS, The Washington State Legislature, each year since 1981, has recognized and selected senior students from the public and private high schools in the state of Washington for their academic achievements, leadership abilities, as well as service to their communities; and

WHEREAS, Three senior students are selected from each of the state's forty-nine legislative districts by a distinguished panel of educators; and

WHEREAS, The one hundred and forty-seven students who have been selected as Washington Scholars in 1987 have proven their abilities as outstanding students, leaders and citizens; and

WHEREAS, The families of these one hundred and forty-seven students have nurtured and supported the growth and development of their children in order that they may become responsible, contributing members of our society; and

WHEREAS, The academic growth of these students has been encouraged and supported by many dedicated educators in the schools of Washington State; and

WHEREAS, These selected students receive a two-year waiver of tuition and fees based upon their ability to maintain a 3.5 grade point average at Washington's public four-year colleges and universities; and

WHEREAS, The citizenry of the state of Washington is enriched by the presence of these talented and committed young people;

NOW, THEREFORE, BE IT RESOLVED, That these one hundred and forty-seven Washington Scholars be recognized for their diligence and dedication to their academic and community responsibilities; and

BE IT FURTHER RESOLVED, That these Washington Scholars and their families be congratulated on achieving this noteworthy accomplishment; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate immediately transmit copies of this resolution to all of the one hundred and forty-seven academic scholars, three from each of the forty-nine legislative districts.

Senators Gaspard, Hayner, Bailey, Rasmussen, Zimmerman and Sellar spoke to the resolution.

#### INTRODUCTION OF SPECIAL GUESTS

The President introduced the Washington Scholars who were seated in the gallery.

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

#### MESSAGE FROM THE GOVERNOR

April 16, 1987

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on April 16, 1987, Governor Gardner approved the following Senate Bills entitled:

Senate Bill No. 5051

Relating to environmental excellence awards.

Senate Bill No. 5062

Relating to enforcement of traffic laws and regulations without warrants.

Senate Bill No. 5067

Relating to domestic violence prevention.

Senate Bill No. 5080

Relating to exempt pension money.

Substitute Senate Bill No. 5106

Relating to the organized crime advisory board.

Senate Bill No. 5148

Relating to the continuance of the department of services for the blind.

Senate Bill No. 5161

Relating to state hospital purchasing authority.

Substitute Senate Bill No. 5179

Relating to public printing.

Senate Bill No. 5204

Relating to the administration of public hospitals.

Senate Bill No. 5205

Relating to judges pro tempore.

Senate Bill No. 5227

Relating to consolidation of statutes regarding revenue recovery for social and health services.

Senate Bill No. 5348

Relating to the release of a vehicle interest to hulk hauler or scrap processor.

Substitute Senate Bill No. 5371

Relating to restrictive covenants.

Senate Bill No. 5403

Relating to the veterans affairs advisory committee.

Senate Bill No. 5410

Relating to appeals to the employment security department.

Senate Bill No. 5415

Relating to rights of way.

Substitute Senate Bill No. 5417

Relating to ferry system facilities.

Senate Bill No. 5418

Relating to the Washington state patrol.

Senate Bill No. 5536

Relating to the scenic river system.

Senate Bill No. 5541

Relating to annual audit of the liquor control board.

Sincerely,  
TERRY SEBRING, Legal Counsel to the Governor

## MESSAGES FROM THE GOVERNOR

April 6, 1987

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

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

Delores E. Teutsch, reappointed April 6, 1987, for a term ending March 26, 1991, as a member of the Higher Education Facilities Authority.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Education.

April 7, 1987

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

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

Simon Martinez, reappointed April 17, 1987, for a term ending April 16, 1991, as a member of the Oil and Gas Conservation Committee.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Natural Resources.

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

## REPORT OF STANDING COMMITTEE

April 17, 1987

ESHB 527 Prime Sponsor, Committee on Ways and Means: Adopting the 1987-89 omnibus appropriations act. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Fleming, Kreidler, Moore, Rinehart, Talmadge, Vognild, Warnke, Williams, Wojahn.

## MOTION

On motion of Senator McDermott, the rules were suspended. Engrossed Substitute House Bill No. 527 was advanced to second reading and placed on the second reading calendar.

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

## MESSAGES FROM THE HOUSE

April 16, 1987

Mr. President:

The House has passed:

SUBSTITUTE SENATE BILL NO. 5104,

SENATE BILL NO. 5245,

SENATE BILL NO. 5408,

SENATE BILL NO. 5861,

SECOND SUBSTITUTE SENATE BILL NO. 5993,

SUBSTITUTE SENATE BILL NO. 6061,

SENATE JOINT MEMORIAL NO. 8016, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 15, 1987

Mr. President:

The House concurred in the Senate amendments to the following listed HOUSE BILLS and passed said bills as amended by the Senate:

SUBSTITUTE HOUSE BILL NO. 2,  
 HOUSE BILL NO. 3,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 4,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 25,  
 ENGROSSED HOUSE BILL NO. 39,  
 HOUSE BILL NO. 86,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 95,  
 SUBSTITUTE HOUSE BILL NO. 129,  
 SUBSTITUTE HOUSE BILL NO. 130,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 134,  
 SECOND SUBSTITUTE HOUSE BILL NO. 163,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 196,  
 SUBSTITUTE HOUSE BILL NO. 198,  
 HOUSE BILL NO. 209,  
 SUBSTITUTE HOUSE BILL NO. 237,  
 SUBSTITUTE HOUSE BILL NO. 238,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 258,  
 SUBSTITUTE HOUSE BILL NO. 259,  
 SUBSTITUTE HOUSE BILL NO. 291,  
 ENGROSSED HOUSE BILL NO. 590,  
 HOUSE BILL NO. 663, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 15, 1987

Mr. President:

The Speaker has signed HOUSE BILL NO. 220, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:  
 HOUSE BILL NO. 220.

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

## SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 813, by Committee on Ways and Means/Appropriations (originally sponsored by Representatives Leonard, Ebersole, Armstrong, Brekke, Allen, Locke, May, Jacobsen, Lux, K. Wilson, Cole, Nutley, Cooper, Rayburn, Moyer, Unsoeld, Schoon, Hine, Taylor, Scott, Winsley, Meyers, Bumgarner, Belcher, Walker, O'Brien, R. King, Dellwo, P. King, Wineberry, Fisch, Rasmussen and Todd)

Creating a governor's commission on children.

The bill was read the second time.

## MOTIONS

On motion of Senator Talmadge, the following Committee on Human Services and Corrections amendment was not adopted:

On page 2, line 16, after "attendance" strike "or contribution"

On motion of Senator Talmadge, the following amendment by Senators Talmadge, Wojahn and Kiskaddon was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) There is established the governor's commission on children, referred to in this chapter as the commission, to be composed of eight legislators, two appointed by each caucus of the senate and house of representatives, and seven lay members, to be appointed by the governor. The chair of the commission shall rotate annually



among the legislative members of the majority parties in the senate and house of representatives. The first chair shall be elected by a majority vote of the commission.

(2) The commission shall have the following functions:

(a) To develop a long-term children's services strategy for the development of an effective, comprehensive coordinated children's services delivery system that will meet the needs of children in the state. The objective of the strategy shall be to (i) define existing service needs of children in Washington state, utilizing existing studies and data sources where appropriate, (ii) identify the kinds of services needed by children and families to meet a minimum standard and level of physical and mental health and safety, (iii) identify the current level of services available and gaps or overlapping services, and (iv) make recommendations to implement an effective comprehensive service delivery system. The commission shall submit an initial strategy to the appropriate committees of the legislature by October 1, 1988;

(b) In formulating the long-term children's services strategy, the commission shall seek input from providers with expertise in children's mental health, health care including prenatal care, adolescent drug and alcohol treatment, education including early childhood education, nonprofit funding sources, child abuse and neglect, child care, dependency, delinquency and the juvenile justice system, family support services, and representatives from minority communities including the migrant worker community, the black community, the native American community, and the Asian community. The commission shall also consult with the governor, the director of revenue, the office of financial management, the director of community development, the superintendent of public instruction, and the secretary of the department of social and health services;

(c) To consult with the Washington council for the prevention of child abuse and neglect regarding the creation of a state-wide data-base clearinghouse. The commission shall report to the appropriate legislative committees regarding the need for and feasibility of a state-wide clearinghouse. If the commission recommends the creation of a clearinghouse, the report shall include alternative designs for a data-base clearinghouse, estimated costs related to both the startup and maintenance of a clearinghouse, potential housing sites for the clearinghouse and placements for terminal links, and funding sources for the clearinghouse;

(3) The strategy under subsection (2)(a) of this section shall include consideration of:

(a) The identification of ways to reduce overlapping services and to fill in service gaps through shared service provisions;

(b) Methods to increase the effectiveness, participation, and communication among city, county, state, private nonprofit, and private for profit funding sources in defining and funding the service delivery system; and

(c) The identification and recommendation of state funding priorities for prevention and early intervention activities to meet the needs of children and families;

(4) A final report outlining the long-term children's services strategy and recommendations shall be submitted to the appropriate committees of the legislature by January 10, 1989.

NEW SECTION, Sec. 2. The commission shall be dissolved and this chapter shall expire on January 30, 1989, unless significant need for its continuation is demonstrated and the legislature acts to extend its operation.

NEW SECTION, Sec. 3. Sections 1 and 2 of this act shall constitute a new chapter in Title 43 RCW.

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 motion of Senator Wojahn, the following title amendment was adopted:

On page 1, line 1 of the title, after "children;" strike the remainder of the title and insert "adding a new chapter to Title 43 RCW; providing an expiration date; providing an effective date; and declaring an emergency."

#### MOTION

On motion of Senator Wojahn, the rules were suspended, Second Substitute House Bill No. 813, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Second Substitute House Bill No. 813, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Second Substitute House Bill No. 813, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; absent, 1.

Voting yea: Senators Anderson, Bailey, Bauer, Bender, Benitz, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Haisan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton,

Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Voting nay: Senator Barr - 1.

Absent: Senator Bluechel - 1.

SECOND SUBSTITUTE HOUSE BILL NO. 813, 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.

There being no objection, the Senate resumed consideration of Engrossed Substitute House Bill No. 454 and the pending amendment by Senator Talmadge on page 1, line 4, to the Committee on Governmental Operations striking amendment, deferred April 16, 1987.

#### RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Deccio, the President finds that Engrossed Substitute House Bill No. 454 is a measure revising numerous boards and commissions throughout state government, including the work study advisory committee to the Higher Education Coordinating Board.

"The amendment proposed by the Governmental Operations Committee revises numerous boards and commissions, including the Higher Education Coordinating Board.

"The President, therefore, finds that the proposed amendment does not change the scope and object of the bill and that the point of order is not well taken."

The Committee on Governmental Operations amendment was ruled in order.

The President declared the question before the Senate to be adoption of the amendment by Senator Talmadge on page 1, line 4, to the Committee on Governmental Operations amendment.

Debate ensued.

Senator Garrett demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator Talmadge to the Committee on Governmental Operations amendment.

#### ROLL CALL

The Secretary called the roll and the motion by Senator Talmadge failed and the amendment to the committee amendment was not adopted by the following vote: Yeas, 14; nays, 33; absent, 2.

Voting yea: Senators Bluechel, Bottiger, Conner, Gaspard, Halsan, Hansen, Kreidler, Moore, Newhouse, Sellar, Talmadge, Vognild, Williams, Wojahn - 14.

Voting nay: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Cantu, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Nelson, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Smitherman, Stratton, Tanner, von Reichbauer, Warnke, Zimmerman - 33.

Absent: Senators McDermott, West - 2.

#### MOTION

Senator Zimmerman moved that the following amendment by Senator Zimmerman, Bottiger and Hayner to the Committee on Governmental Operations amendment be adopted:

On page 1, beginning on line 5, strike everything through "violated," on page 18, line 33 of the amendment.

Renumber the remaining parts and sections accordingly.

Debate ensued.

Senator Bottiger demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senators Zimmerman, Bottiger and Hayner to the Committee on Governmental Operations amendment.

#### ROLL CALL

The Secretary called the roll and the motion by Senator Zimmerman carried and the amendment to the committee amendment was adopted by the following vote: Yeas, 29; nays, 18; absent, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Bottiger, Cantu, Craswell, Deccio, Hansen, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf,

Nelson, Newhouse, Patterson, Peterson, Pullen, Saling, Sellar, Tanner, von Reichbauer, West, Zimmerman - 29.

Voting nay: Senators Bender, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Kreidler, Moore, Owen, Rasmussen, Rinehart, Smitherman, Stratton, Talmadge, Vognild, Warnke, Williams, Wójahn - 18.

Absent: Senators Conner, McDermott - 2.

#### MOTION

Senator Zimmerman moved that the following amendment by Senators Zimmerman and Rasmussen to the Committee on Governmental Operations amendment be adopted:

On page 63, after line 9, strike all material down to and including line 33 on page 69

Renumber the parts and sections consecutively and correct internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senators Zimmerman and Rasmussen to the Committee on Governmental Operations amendment.

The motion by Senator Zimmerman carried and the amendment to the committee amendment was adopted.

#### MOTION

Senator Kreidler moved that the following amendment by Senators Kreidler, Deccio and Fleming to the Committee on Governmental Operations amendment be adopted:

On page 75, after line 9, insert the following:

#### \*PART XIV

##### ADVISORY COMMITTEE TO THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Sec. 1401, Section 13, chapter 189, Laws of 1971 ex. sess. as amended by section 2, chapter 259, Laws of 1984 and RCW 43.20A.370 are each amended to read as follows:

There is hereby created a state advisory committee to the department of social and health services which shall serve in an advisory capacity to the secretary of the department of social and health services. The committee shall be composed of not less than nine nor more than ~~((fifteen))~~ twenty members, to be appointed by the governor, who shall appoint a chairman, who shall serve as such at the governor's pleasure. In selecting members of the committee, the governor shall provide for a reasonable age, sex, ~~((and))~~ ethnic, and geographic balance from throughout the state. A broad range of interests, including business owners, professions, labor, local government, and consumers should be considered for membership. ~~((A representative from each of the regional advisory committees established under RCW 43.20A.360 shall serve as a member of the state advisory committee.))~~ The members of the committee shall serve ~~((four))~~ three years ~~((except the terms of the regional advisory committee representatives shall be for a duration specified by the secretary not to exceed four years to facilitate their participation))~~. Appointments to fill a vacant unexpired term shall be only for the remainder of the unexpired term for which the vacancy occurs. No member shall serve more than two consecutive full terms. An unexpired term is considered a full term when one-half or more of the regular term is served. A member of the state advisory committee with two unexcused absences in a twelve-month period shall be deemed to have vacated the position held on the state advisory committee.

Sec. 1402, Section 14, chapter 189, Laws of 1971 ex. sess. as amended by section 3, chapter 259, Laws of 1984 and RCW 43.20A.375 are each amended to read as follows:

The state advisory committee shall have the following powers and duties:

(1) To serve in an advisory capacity to the secretary on all matters pertaining to the department of social and health services.

(2) To acquaint themselves fully with the operations of the department and periodically recommend such changes to the secretary as they deem advisable.

(3) To ~~((biennially))~~ review and make recommendations as to the continued operation, possible consolidation, or elimination of department advisory committees ~~((other than those provided for))~~ including those required by federal law or specifically created by statute. The review shall include review of the statement of purpose for each advisory committee and the time frames during which the committee is accountable to achieve its stated purposes. The state advisory committee shall conduct the review ~~((using the criteria specified in RCW 43.131-070 and other appropriate criteria))~~ and report to the appropriate legislative committees no later than January 1, 1989.

(4) To encourage public awareness and understanding of the department of social and health services and the department's programs and services.

~~((4))~~ (5) To develop agendas to foster periodic meetings with and communication between representatives of program-specific advisory committees ~~((other than those provided for by federal law)).~~

(6) To encourage each regional advisory committee established under RCW 43.20A.360 to send a representative to regular state advisory committee meetings to foster communication between the regional advisory committees and: (a) The state advisory committee, and (b) headquarters of the department.

Renumber the remaining parts and sections consecutively and correct any internal references accordingly.

#### POINT OF INQUIRY

Senator Garrett: "Senator Kreidler, I am not so sure that the expression, 'slipped through the cracks in the Rules Committee'—if I know just the total definition of that. Does that mean that the bill never got pulled or it was pulled and it didn't have the votes, or what does 'slipped through the cracks mean'?"

Senator Kreidler: "I think Senator Fleming wants to answer that question for you."

Senator Garrett: "Well, I would prefer an answer from you, but if you want to pass it to Senator Fleming, then I might—but, I would prefer your answer."

Senator Kreidler: "It is not my bill. My understanding is that, and I don't serve on Rules, but my understanding was that it 'slipped through the cracks,' so if you want an answer from somebody who serves on the committee--"

Senator Garrett: "I am on the committee. I just wanted to know what the observers—you know, what everybody thought when a bill 'slipped through the cracks.' I just wanted to know. I know what the members of the Rules Committee think. Thank you, Senator Kreidler."

#### REMARKS BY SENATOR FLEMING

Senator Fleming: "Mr. President, members of the body. Senator Garrett, this is one of those bills—as you know, we get down there and we have so many on our list and this is one of those real innocuous bills that just did not get pulled. We ran out of time. Had we gone back to Rules another time, I would have made an attempt to pull the bill. It's not a very controversial bill. It's a very important bill and it really encourages voluntarism and communication, so I hope you will support it."

Further debate ensued.

Senator Kreidler demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be adoption of the amendment by Senators Kreidler, Deccio and Fleming to the Committee on Governmental Operations amendment.

The motion by Senator Kreidler failed and the amendment to the committee amendment was not adopted on a rising vote.

#### MOTION

Senator Bender moved that the following amendment by Senators Bender, Warnke and Owen to the Committee on Governmental Operations amendment be adopted:

Beginning on page 1, after line 5, strike all the material down to and including "violated." on page 18, line 33 and insert the following:

##### BOARD OF ELECTRICAL EXAMINERS

"Sec. 101. Section 2, chapter 188, Laws of 1974 ex. sess. as last amended by section 6, chapter 156, Laws of 1986 and RCW 19.28.123 are each amended to read as follows:

There is hereby created a board of electrical examiners consisting of nine members to be appointed by the governor. The members of the board shall be selected and appointed as follows: One member shall be an employee or officer of a corporation or public agency generating or distributing electric power; two members shall be employees or officers of a corporation or firm engaged in the business of making electrical installations; one member shall be an employee, or officer, or representative of a corporation or firm engaged in the business of manufacturing or distributing electrical materials, equipment, or devices; one member shall be a person not related to the electrical industry to represent the public; three members shall be recognized electricians; and one member shall be a licensed professional engineer qualified to do business in the state of Washington. The regular term of each member shall be four years. Members initially appointed after the effective date of this section shall be appointed for the following terms: The member representing a corporation or public agency generating or distributing electric power shall serve four years; one member representing an

installer of electrical equipment or appliances shall serve three years; the member representing a manufacturer or distributor of electrical equipment or devices shall serve three years; the member representing the public and one member representing an installer of electrical equipment or appliances shall serve two years; the three members selected as recognized electricians shall serve for one, two, and three years respectively; the member selected as the licensed professional electrical engineer shall serve for one year. Thereafter, the governor shall appoint or reappoint board members for terms of four years and to fill vacancies created by the completion of the terms of the original members. The governor shall also fill vacancies caused by death, resignation, or otherwise for the unexpired term of such members by appointing their successors from the same business classification. The same procedure shall be followed in making such subsequent appointments as is provided for the original appointments. The terms of office of persons serving as members of the board prior to the effective date of this section shall terminate on the effective date of this section. It shall be the purpose and function of this board to establish in addition to a general electrical contractors' license, such classifications of specialty electrical contractors' licenses as it deems appropriate with regard to individual sections pertaining to state adopted codes in chapter 19.28 RCW. In addition, it shall be the purpose and function of this board to establish and administer written examinations for general electrical contractors' qualifying certificates and the various specialty electrical contractors' qualifying certificates. Examinations shall be designed to reasonably insure that general and specialty electrical contractor's qualifying certificate holders are competent to engage in and supervise the work covered by this statute and their respective licenses. The examinations shall include questions from the following categories to assure proper safety and protection for the general public: (1) Safety, (2) state electrical code, and (3) electrical theory. The department with the consent of the board of electrical examiners shall be permitted to enter into a contract with a professional testing agency to develop, administer, and score these examinations. It shall be the further purpose and function of this board to advise the director as to the need of additional electrical inspectors and compliance officers to be utilized by the director on either a full-time or part-time employment basis and to carry out the duties enumerated in RCW 19.28.510 through 19.28.620 as well as generally advise the department on all matters relative to RCW 19.28.510 through 19.28.620. Meetings of the board shall be held quarterly on the first Monday of February, May, August, and November of each year. Each member of the board shall be compensated in accordance with RCW 43.03.240, and each member shall also receive travel expenses as provided in RCW 43.03.050 and 43.03.060, which shall be paid out of the electrical license fund, upon vouchers approved by the director of labor and industries."

#### POINT OF ORDER

Senator Zimmerman: "Mr. President, a point of order. I am trying to reconcile the Bottiger amendment with the Bender amendment. I thought that the Bottiger amendment had stricken the board from the bill--striking everything--page 18--and then page 75. The measure having already been taken out of the bill, how can you be modifying it, I guess is my concern. In other words, the point of the Bottiger amendment was to take this element out of the bill and I guess I can't see now how we can be modifying or attempting to change the makeup of the board. The board is not in the bill. That was the decision that the body had already made."

#### REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, speaking to the point of order. Senator, that simply is not so. The amendment that you sponsored, to which I spoke so eloquently--in favor of it--voted for it--simply deleted those two sections. Senator Bender is putting the sections back in, not deleting either boards of commissions, just changing the makeup on one of them."

#### POINT OF ORDER

Senator Newhouse: "It would seem the body has the right to perfect before striking and has proceeded with a striking amendment. Therefore, this amendment would appear to be out of order."

#### REPLY BY THE PRESIDENT

President Cherberg: "Senator Newhouse's remarks and points are well taken. The amendment is out of order, not timely."

The amendment by Senators Bender, Warnke and Owen to the Committee on Governmental Operations amendment was ruled out of order.

## MOTION

On motion of Senator Bottiger, further consideration of Engrossed Substitute House Bill No. 454 was deferred.

## POINT OF ORDER

Senator Bottiger: "Mr. President, a point of order. We are about to undertake a violation of the long standing Senate Rule that prohibits members from making speeches about guests. If we fall into that trap, we will be here all day long, every day, adding a little bit to the President's introductions. I would just suggest that the members remember that today at 5:00 o'clock, all the bills that we don't get done, die."

There being no objection, the Senate resumed consideration of Substitute House Bill No. 274 and the pending amendment by Senator Wojahn on line 19 (all of subsection c), to the Committee on Human Services and Corrections amendment on page 11, line 24, deferred April 15, 1987.

Debate on the amendment by Senator Wojahn to the Committee on Human Services and Corrections amendment ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Wojahn to the Committee on Human Services and Corrections amendment.

The motion by Senator Wojahn failed and the amendment to the committee amendment was not adopted.

The President declared the question before the Senate to be adoption of the Committee on Human Services and Correction amendment on page 11, line 24.

The Committee on Human Services and Corrections amendment was adopted.

## MOTION

Senator Talmadge moved that the following amendment by Senator Talmadge and Rasmussen be adopted:

On page 11, after line 21, strike all of NEW SECTION, Sec. 13.

Renumber the remaining sections consecutively.

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senators Talmadge and Rasmussen.

The motion by Senator Talmadge failed and the amendment was not adopted on a rising vote.

## MOTION

On motion of Senator Wojahn, the rules were suspended, Substitute House Bill No. 274, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 274, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 274, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 40; nays, 8; absent, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bender, Benitz, Bluechel, Bottiger, Cantu, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rinehart, Saling, Sellar, Smitherman, Vognild, Williams, Wojahn, Zimmerman - 40.

Voting nay: Senators Bauer, Conner, Rasmussen, Stratton, Talmadge, Tanner, von Reichbauer, Warnke - 8.

Absent: Senator West - 1.

SUBSTITUTE HOUSE BILL NO. 274, 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.

## SECOND READING

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.

## MOTIONS

On motion of Senator Gaspard, the following Committee on Education amendment was adopted:

On page 4, after line 33, insert the following:

"Sec. 2. 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."

On motion of Senator Gaspard, the following title amendment was adopted:

On page 1, line 2 of the title, after "28B.50.140" insert "and 28B.50.100"

## MOTION

On motion of Senator Gaspard, the rules were suspended, House Bill No. 171, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## POINT OF INQUIRY

Senator Bluechel: "Senator Gaspard, when community colleges make arrangements with companies to provide certain services, it's my understanding they do it on a fixed price basis. In other words, for number of services, it costs \$10,000 or \$5,000 for a certain period of time. How does this bill affect that type of contracting out for services where both parties want to provide these services--one party wants to receive them and the other party wants to sell their services?"

Senator Gaspard: "Senator Bluechel, I don't think it will affect any current contracts, but when they do negotiate for new contracts, then when the Legislature passes increases for faculty salaries, these increases have not been passed out to those individuals who are involved in the contracts--they were contracted out to either private entities or other governmental entities. As I mentioned, the correctional institutions are one example and it's an example that has been brought to us. Then when the Legislature makes that decision, the community colleges are authorized to have that increase in the terms of the agreement."

Further debate ensued.

## POINT OF INQUIRY

Senator Bluechel: "Senator Saling, I understand the public agency section of this, my concern was with a private agency. Suppose you had a hi-tech plant that had contracted with a community college for \$10,000 for certain services to be performed and that there was a pay raise by the Legislature in between, how would this pay raise be passed through if the \$10,000 was a fixed contract from a private entity? That's the area that I am questioning, not the public to public."

Senator Saling: "Senator Bluechel, it is extremely rare to have a contract with a private organization for any length of time, usually beyond one quarter. Sometimes you will have a contract for one year, but a contract in the amount of the dollars you are talking about, is extremely rare. I would think that, however, under the terms of this law, my interpretation would be that they would have to pay the increase."

## MOTION

On motion of Senator Metcalf, Senator Zimmerman was excused.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 171, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on final passage of House Bill No. 171, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; nays, 6; excused, 1.

Voting yea: Senators Anderson, Bailey, Bauer, Bender, Benitz, Bottiger, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 42.

Voting nay: Senators Barr, Bluechel, Cantu, Craswell, Metcalf, Nelson - 6.

Excused: Senator Zimmerman - 1.

HOUSE BILL NO. 171, 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.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 609, by Committee on Environmental Affairs (originally sponsored by Representatives Kremen, Spanel, Braddock, Zellinsky, May, McMullen, Allon, Hine, Schmidt, Basich, Vekich, Hargrove, Beck, Miller, Fisch, S. Wilson, Taylor, Winsley, Walker, Betrozoff, 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.

## MOTIONS

Senator Kreidler moved that the following Committee on Parks and Ecology amendment be adopted:

On page 2, line 14, after, "1995, insert "Such schedules shall require that a reserve account or similar fund be provided to carry out the schedules established under this section. Compliance schedules allowed under this section shall include specified time periods for achieving various phases of the project. At the end of each significant time period, the local government shall report to the department on its progress in complying with the provisions of this act."

## POINT OF INQUIRY

Senator Rasmussen: "Senator Kreidler, in a situation such as Pacific County where they don't have enough money to run the government, do you still want them to build up a reserve fund for secondary treatment?"

Senator Kreidler: "To the best of my knowledge, there is no problem with Pacific County. They are already in compliance with the secondary treatment requirement, so there wouldn't be any concern on their part. The concerns that are being raised right now are only several communities, all of which are located on the greater Puget Sound."



Senator Rasmussen: "I was only using that as a figure of speech, because it would be like taking and putting a reserve aside to buy an automobile when your kids were starving. I am not so sure this is a good amendment and I'm going to vote against it."

Senator Kreidler: "Well, Senator Rasmussen, I might point out that this is an amendment that was worked out with local governments that would be so affected and they found this to be a procedure that they were going to comply with and it was just a little insurance policy for us in state government. It seems like a reasonable policy."

The President declared the question before the Senate to be adoption of the Committee on Parks and Ecology amendment.

The motion by Senator Kreidler carried and the committee amendment was adopted.

#### MOTION

Senator Bluechel moved that the following amendment by Senators Bluechel and Stratton be adopted:

On page 2, after line 28, insert the following:

"NEW SECTION, Sec. 3. A new section is added to chapter 70.146 RCW to read as follows:

In determining compliance schedules for the greatest reasonable reduction of combined sewer overflows, the department of ecology shall consider the amount of grant or loan moneys available to assist local governments in the planning, design, acquisition, construction, and improvement of combined sewer overflow control facilities. The department shall not require the construction of any combined sewer overflow control facilities until such time as grant or loan moneys become available for such construction."

Renumber the sections consecutively.

#### POINT OF ORDER

Senator Kreidler: "Mr. President, a point of order. I would raise the question of scope and object on this amendment. The scope certainly seems to be here, but the object of the bill does not include combined sewer overflow which the amendment speaks to. I would request an opinion as to whether it meets the scope and object."

Further debate ensued.

Senator Talmadge suggested that all the upcoming amendments be ruled on scope and object.

#### POINT OF ORDER

Senator Nelson: "Mr. President, I rise to a point of order. An amendment is only subject to a point of order or as being asked for scope and object after it has been placed before the body, not before. There is no movement as of yet to place that amendment and I think the scope and object request by my good friend and colleague, Senator Talmadge, is out of order."

#### REPLY BY THE PRESIDENT

President Cherberg: "Your point is well taken, Senator Nelson."

#### MOTION

On motion of Senator Vognild, further consideration of the amendment by Senators Bluechel and Stratton was deferred.

#### MOTION

Senator Anderson moved that the following amendment by Senators Anderson, Nelson, Metcalf, Conner and Vognild be adopted:

On page 2, line 13, after "act." insert "The director may recommend that requirements for secondary sewage treatment of wastewater be waived by the United States environmental protection agency in accordance with the waiver provisions of the federal clean water act provided that the wastewater is from a public facility that discharges into marine waters (which include Puget Sound), the quality of the receiving water will not be adversely affected, the discharger has established a system for monitoring the impact of the discharge on the quality of the receiving water, and the discharger meets all the remaining criteria of the clean water act."

## POINT OF ORDER

Senator Kreidler: "Mr. President, a point of order. I would ask for a ruling on this amendment, in addition to the one that was previously offered. This particular amendment deals with waivers and this is not the object of the the bill before us at this time, so I would certainly urge you to find the object of this bill to be violated."

## MOTION

On motion of Senator Vognild, further consideration of Substitute House Bill No. 609 was deferred.

## MOTION

At 12:08 p.m., on motion of Senator Vognild, the Senate recessed until 1:15 p.m.

## AFTERNOON SESSION

The Senate was called to order at 1:15 by President Cherberg.

## MOTION

On motion of Senator Zimmerman, Senator Hayner was excused.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENT

## MOTION

On motion of Senator Bottiger, Gubernatorial Appointment No. 9109, Barbara Granlund, as a member of the Sentencing Guidelines Commission, was confirmed.

## APPOINTMENT OF BARBARA GRANLUND

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 31; absent, 17; excused, 1.

Voting yeas: Senators Anderson, Bailey, Bender, Benitz, Bottiger, Deccio, DeJarnatt, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, McCaslin, Moore, Nelson, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 31.

Absent: Senators Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Fleming, Lee, McDermott, McDonald, Metcalf, Owen, Saling, Sellar, Smitherman, Tanner, West - 17.

Excused: Senator Hayner - 1.

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

## MESSAGES FROM THE HOUSE

April 15, 1987

Mr. President:

The Speaker has signed:

SENATE BILL NO. 5002,

SENATE BILL NO. 5017,

SUBSTITUTE SENATE BILL NO. 5130,

SENATE BILL NO. 5194,

SENATE BILL NO. 5248,

SUBSTITUTE SENATE BILL NO. 5285,

SENATE BILL NO. 5412,

SENATE BILL NO. 5413,

SENATE BILL NO. 5416,

SENATE BILL NO. 5444,

SENATE BILL NO. 5469,

SENATE BILL NO. 5642,

SUBSTITUTE SENATE BILL NO. 5717,

SUBSTITUTE SENATE BILL NO. 5824,

SUBSTITUTE SENATE BILL NO. 5911,

SENATE JOINT MEMORIAL NO. 8008,

SENATE JOINT RESOLUTION NO. 8207,

SENATE JOINT RESOLUTION NO. 8212, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 16, 1987

Mr. President:

The Speaker has signed:

SENATE BILL NO. 5032,  
 SUBSTITUTE SENATE BILL NO. 5089,  
 SUBSTITUTE SENATE BILL NO. 5150,  
 SENATE BILL NO. 5936,

SENATE JOINT MEMORIAL NO. 8000, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 16, 1987

Mr. President:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 138,  
 SUBSTITUTE HOUSE BILL NO. 231,  
 HOUSE BILL NO. 654,  
 HOUSE BILL NO. 770,  
 SUBSTITUTE HOUSE BILL NO. 937,  
 HOUSE BILL NO. 947,  
 HOUSE BILL NO. 954,  
 HOUSE BILL NO. 1123,

SUBSTITUTE HOUSE BILL NO. 1128, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 5104,  
 SENATE BILL NO. 5245,  
 SENATE BILL NO. 5408,  
 SENATE BILL NO. 5861,  
 SECOND SUBSTITUTE SENATE BILL NO. 5993,  
 SUBSTITUTE SENATE BILL NO. 6061,  
 SENATE JOINT MEMORIAL NO. 8016.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 138,  
 SUBSTITUTE HOUSE BILL NO. 231,  
 HOUSE BILL NO. 654,  
 HOUSE BILL NO. 770,  
 SUBSTITUTE HOUSE BILL NO. 937,  
 HOUSE BILL NO. 947,  
 HOUSE BILL NO. 954,  
 HOUSE BILL NO. 1123,  
 SUBSTITUTE HOUSE BILL NO. 1128.

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

SECOND READING  
 CONFIRMATION OF GUBERNATORIAL APPOINTMENT

## MOTION

On motion of Senator Talmadge, Gubernatorial Appointment No. 9113, John J. Ripple, as a member of the Sentencing Guidelines Commission, was confirmed.

## APPOINTMENT OF JOHN J. RIPPLE

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 39; absent, 9; excused, 1.

Voting yeas: Senators Anderson, Bailey, Bender, Benitz, Bluechel, Bottiger, Cantu, Deccio, DeJarnatt, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, McCaslin, McDonald, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vogt, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 39.

Absent: Senators Barr, Bauer, Conner, Craswell, Fleming, Lee, McDermott, Metcalf, West - 9.  
Excused: Senator Hayner - 1.

There being no objection, the Senate resumed consideration of House Bill No. 1205 and the pending amendment by Senators Anderson and Conner on page 1, line 34, to the Committee on Ways and Means striking amendment, deferred April 16, 1987.

#### RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Talmadge, the President finds that House Bill No. 1205 is a measure providing for the distribution of funds from the water quality account for water pollution control facilities.

"The amendment to the Committee on Ways and Means amendment proposed by Senators Anderson and Conner requires the Department of Ecology to allow phased in compliance schedules for secondary treatment extended to December 31, 1995.

"The President, therefore, finds that the proposed amendment to the committee amendment does change the scope and object of the bill and that the point of order is well taken."

The amendment by Senators Anderson and Conner to the committee amendment was ruled out of order.

The President declared the question before the Senate to be adoption of the Committee on Ways and Means amendment, as amended.

The Committee on Ways and Means amendment, as amended, was adopted.

#### MOTIONS

On motion of Senator Vognild, the following title amendment was adopted:

"On page 1, line 3 of the title, after "payments;" strike the remainder of the title and insert "and adding a new section to chapter 70.146 RCW."

On motion of Senator Zimmerman, Senators Barr, Lee, Metcalf and West were excused.

#### MOTION

On motion of Senator Vognild, the rules were suspended, House Bill No. 1205, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 1205, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of House Bill No. 1205, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 41; nays, 1; absent, 3; excused, 4.

Voting yea: Senators Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDonald, Moore, Nelson, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 41.

Voting nay: Senator Newhouse - 1.

Absent: Senators Conner, Fleming, McDermott - 3.

Excused: Senators Barr, Lee, Metcalf, West - 4.

HOUSE BILL NO. 1205, 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.

There being no objection, the Senate resumed consideration of Engrossed Substitute House Bill No. 454 and the pending Committee on Governmental Operations striking amendment, as amended, deferred earlier today.

The President declared the question before the Senate to be adoption of the Committee on Governmental Operations amendment, as amended.

The Committee on Governmental Operations amendment, as amended, was adopted.

#### MOTIONS

On motion of Senator Vognild, the following title amendments were considered simultaneously and adopted:

On page 1, line 1 of the title, after "commissions;" strike the remainder of the title and insert "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, 28B.80.430, 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, 70.119.140, 28B.50.100, 43.51.340, and 76.09.030; reenacting and amending RCW 46.10.220; adding a new section to chapter 70.95B RCW; adding a new section to chapter 70.119 RCW; creating a new section; repealing RCW 27.08.010, 27.08.045, 43.21F.085, 43.22.475, and 76.09.200; and declaring an emergency."

On page 75, line 28 of the title amendment, after "RCW" strike everything after through "19.28.620," on line 31 of the title amendment

On page 76, beginning on line 9 of the title amendment, after "70.107.070," strike all material down to and including "70.119.140," on line 11

On page 76, beginning on line 13, strike all material down to and including "70.119 RCW;" on line 14

On motion of Senator Vognild, the rules were suspended, Engrossed Substitute House Bill No. 454, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 454, as amended by the Senate.

#### MOTION

On motion of Senator Bender, Senators Conner and Fleming were excused.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 454, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; nays, 4; absent, 1; excused, 2.

Voting yea: Senators Bailey, Barr, Brauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 42.

Voting nay: Senators Anderson, McCaslin, Sellar, West - 4.

Absent: Senator McDermott - 1.

Excused: Senators Conner, Fleming - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 454, 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.

#### SECOND READING

HOUSE BILL NO. 1228, by Representatives Armstrong, McMullen and P. King

Changing provisions relating to criminal penalties for, criminal sentences for, education regarding, and treatment for alcohol and substance abuse.

The bill was read the second time.

#### MOTIONS

On motion of Senator Talmadge, the following amendment by Senators Talmadge, Newhouse and West was adopted:

On page 16, line 32, after "RCW," insert "These rules shall recognize that many persons are dependent on both alcohol and drugs; they shall prohibit the stacking of benefits and shall

require that benefits for chemical dependency be equivalent to benefits previously required for alcoholism."

On motion of Senator Talmadge, the rules were suspended, House Bill No. 1228, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 1228, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of House Bill No. 1228, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Halsan, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 46.

Absent: Senator Hansen - 1.

Excused: Senators Conner, Fleming - 2.

HOUSE BILL NO. 1228, 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.

#### MOTION

At 1:53 p.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 2:22 p.m. by President Cherberg.

#### SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENT

#### MOTION

On motion of Senator Garrett, Gubernatorial Appointment No. 9088, James D. Avers, as a member of the Board of Trustees for Green River Community College District No. 10, was confirmed.

#### APPOINTMENT OF JAMES D. AVERS

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; nays, 1; absent, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Voting nay: Senator West - 1.

Absent: Senators Hansen, Hayner, Vognild - 3.

#### MOTION

Senator Bottiger moved that the rules be suspended and Senate Rule No. 52 be suspended for the remainder of this calendar day.

**EDITOR'S NOTE:** Senate Rule No. 52 reads 'No amendment to the budget or supplemental budget, not incorporated in the bill as reported by the Ways and Means Committee, shall be adopted except by the affirmative vote of sixty percent of the Senators elected.'

#### REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, Rule No. 52 has been roundly criticized of late. It provides that an amendment to an appropriation bill can only be amended on the floor by a sixty percent vote of the Senators elected. We have been told time and time again that there is no reason to offer amendments, since it would take a super majority. Well, late this afternoon we will be working, hopefully, on a budget and I wouldn't want to have anybody inhibited from offering an amendment to either reduce the budget or increase the budget or whatever. We can all come out

and get votes on the amendments that we would like to have and they will pass if they have the majority of the Senators present."

#### MOTION

Senator Newhouse moved that the rules be suspended and the motion by Senator Bottiger be amended to 'for the remainder of the session.'

Debate ensued.

Senator Newhouse demanded a roll call and the demand was sustained.

#### PARLIAMENTARY INQUIRY

Senator Rasmussen: "Mr. President, this being a rule change, does it require a twenty-four hour notice other than a two-thirds vote to suspend the rules?"

#### REPLY BY THE PRESIDENT

President Cherberg: You can suspend the rules with a two-thirds vote at any time, Senator."

Senator Rasmussen: "Well, I just wanted to know because if we are going to go into a charade, I wanted to have a chance to go home and change my clothes and get my dress clothes on."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the motion by Senator Newhouse to amend the motion by Senator Bottiger to suspend the rules and that Rule No. 52 be suspended for the remainder of the session.

#### ROLL CALL

The Secretary called the roll and the motion by Senator Newhouse to amend the motion by Senator Bottiger carried by the following vote: Yeas, 25; nays, 24;

Voting yea: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Patterson, Pullen, Rasmussen, Saling, Sellar, von Reichbauer, West, Zimmerman - 25.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kreidler, McDermott, Moore, Owen, Peterson, Rinehart, Smitherman, Stratton, Talmadge, Tanner, Vogndild, Warnke, Williams, Wojahn - 24.

#### POINT OF ORDER

Senator Talmadge: "Mr. President, a point of order. Is this motion properly before the Senate insofar as we are not at the ninth order of business?"

Debate ensued.

#### REPLY BY THE PRESIDENT

President Cherberg: "The President believes the motion is in order."

Further debate ensued.

The President declared the question before the Senate to be the motion by Senator Bottiger to suspend the rules, as amended by Senator Newhouse.

The motion by Senator Bottiger to suspend Rule No. 52, as amended by Senator Newhouse, carried.

There being no objection, the Senate resumed consideration of Substitute House Bill No. 1129 and the pending amendments by Senators McDermott and Zimmerman on page 1, lines 28, 29, and 33, and page 4, line 28, to the Committee on Governmental Operations amendment, deferred April 16, 1987.

Debate ensued on the amendments to the Committee on Governmental Operations amendment.

#### POINT OF ORDER

Senator Garrett: "Mr. President, I would like to challenge the scope and object of the McDermott and Zimmerman amendment--both amendments. Mr. President, I wanted to call your attention, particularly, to the amendment on page 4, line 28, of the committee amendment, which after deposited it says, 'insert all amounts distributed and disbursed under and shall be without interest.' Now, this amendment--the bill itself relates to investment and this is an amendment to the tax code, Mr. President. I believe that under the interpretation that that would be outside the scope and object of the bill. I respectfully request your ruling."

## MOTION

On motion of Senator Vognild, further consideration of Substitute House Bill No. 1129 was deferred.

There being no objection, the Senate resumed consideration of Substitute House Bill No. 609 and the pending amendment by Senators Bluechel and Stratton on page 2, line 28, and the pending amendment by Senators Anderson, Nelson, Metcalf, Conner and Vognild on page 2, line 13, deferred earlier today.

## RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Kreidler, the President finds that Substitute House Bill No. 609 is a measure requiring the Department of Ecology to look at local factors and allow phased in compliance schedules for secondary treatment.

"The amendment proposed by Senators Bluechel and Stratton requires the Department of Ecology to consider financial factors when considering compliance schedules for combined sewer overflow control facilities.

"The President, therefore, finds that the proposed amendment does change the scope and object of the bill and that the point of order is well taken."

The amendment by Senators Bluechel and Stratton was ruled out of order.

## RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Kreidler, the President finds that Substitute House Bill No. 609 is a measure requiring the Department of Ecology to look at local factors and allow phased in compliance schedules for secondary treatment.

"The amendment proposed by Senators Anderson, Nelson, Metcalf, Conner and Vognild authorizes waivers for secondary treatment under certain circumstances.

"The President, therefore, finds that the proposed amendment does change the scope and object of the bill and that the point of order is well taken."

The amendment by Senators Anderson, Nelson, Metcalf, Conner and Vognild was ruled out of order.

## MOTION

On motion of Senator Vognild, further consideration of Substitute House Bill No. 609 was deferred.

## SECOND READING

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 second time.

## MOTION

Senator Gaspard moved that the following Committee on Education amendment not be adopted:

Strike everything after the enacting clause and insert the following:

**NEW SECTION, Sec. 1.** (1) The state board for vocational education is hereby created with the primary purpose of coordinating state policy related to vocational education.

(2) The board shall consist of nine members as follows:

(a) The executive director of the state board for community college education, or the executive director's designee;

(b) The superintendent of public instruction or the superintendent's designee;

(c) The commissioner of the department of employment security or the commissioner's designee; and

(d) The following six persons appointed by the governor who shall serve five-year terms, but the initial terms shall be staggered as determined by the governor:

(i) Two representatives of labor who shall be appointed from a list of at least five names submitted by one or more state-wide labor organizations;



(ii) Two representatives of business who shall be appointed from a list of at least five names submitted by one or more state-wide business organizations; and

(iii) Two persons knowledgeable about vocational education.

(3) The chairperson of the board shall be a citizen member chosen by a majority of its members.

NEW SECTION. Sec. 2. The board shall meet at the call of the chair, but not less than four times each year.

NEW SECTION. Sec. 3. Members of the board shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 4. The state board for vocational education may employ an executive director and such other personnel as may be necessary to carry out the board's duties. The executive director serves at the pleasure of the state board which shall set the director's salary and evaluate the director's performance. The board shall keep its professional and clerical staff to the minimum number of persons necessary to fulfill its duties under section 5 of this act.

NEW SECTION. Sec. 5. The state board for vocational education shall have the following powers and duties related to vocational education:

(1) To act as the state liaison with the federal government to ensure that federal requirements are met;

(2) To act as the sole state agency for the receipt and allocation to the office of the superintendent of public instruction and the state board for community college education of federal vocational education funds;

(3) To adopt the comprehensive state plan for vocational education as submitted under section 6(3) of this act;

(4) To review the performance under the state plan and submit a biennial report to the governor and the legislature;

(5) To perform those nondelegable activities required by the Carl D. Perkins vocational education act of 1984 except that all responsibilities, other than those stated in this section, involving administration, operation, or supervision are hereby delegated to the superintendent of public instruction and the state board for community college education;

(6) To work cooperatively with the employment security department to enhance and update the state's occupational information system and the state's career information system;

(7) To approve job skills program grant awards;

(8) To approve grant expenditures under the job training and partnership act;

(9) To select the recipients of the Washington award for vocational excellence;

(10) To approve staffing and budget requirements in accordance with sections 4 and 24 of this act and subsection (5) of this section;

(11) To make recommendations to the governor, the legislature, and other agencies and organizations pertaining to vocational education and job training; and

(12) To adopt rules necessary to carry out the board's duties.

NEW SECTION. Sec. 6. The supervision and delivery of vocational education services in the public schools and community colleges shall remain the responsibility of the superintendent of public instruction and the state board for community college education. They shall have the following powers and duties respecting vocational education programs in their respective jurisdictions:

(1) To establish separate administrative divisions for vocational education in each agency to carry out the duties and functions provided by state and federal law;

(2) To establish an interagency memorandum of agreement specifying cooperative working relationships between the two agencies;

(3) To jointly develop a comprehensive state plan for state and federally funded vocational education as provided in section 13(15) of this act and submit the plan to the state board for vocational education for approval;

(4) To establish, maintain, and operate a consistent and reliable vocational education data system which shall be accessible to the state board for vocational education;

(5) To 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;

(6) To establish procedures, standards, and evaluative measures for periodic performance evaluations, including the effectiveness of vocational education programs operated within their respective systems;

(7) To monitor the vocational education programs of their respective systems for compliance with the state plan and applicable rules;

(8) To serve as liaison among the common schools, community colleges, and the state board for vocational education;

(9) To perform assignments requested by the state board for vocational education;

(10) To supervise and administer the daily implementation of all elements of the state plan and other operational vocational education functions including, but not limited to, program planning and approval, curriculum development, inservice training, student leadership, vocational certification, program improvement, and research activities;

(11) To adopt rules necessary to implement their respective powers and duties, including rules by the superintendent of public instruction authorizing the financial maintenance and program operations of the existing common school vocational technical institutes.

**NEW SECTION, Sec. 7.** Funds necessary for the execution of the board's duties shall be provided from funds paid pursuant to Public Law 98-524 and supplementary funds as appropriated by the legislature. The board may 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 board and expend the same or any income therefrom according to the terms of the gifts, grants, or endowments.

**NEW SECTION, Sec. 8.** The state of Washington hereby accepts all the provisions and benefits of an act passed by the senate and house of representatives of the United States of America in congress assembled, entitled "An act to provide for the promotion of vocational education, to provide for cooperation with the states in the promotion of such education in agriculture and the trades and industries; to provide for cooperation with the states in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditure", approved February 23, 1917; and of an act of congress entitled "An act to provide for the further development of vocational education in the several states and territories," approved June 8, 1936, and the Vocational Education Act of 1946 and supplemental vocational education acts including but not limited to Public Law 88-210 and Public Law 98-524, the Carl D. Perkins vocational education act of 1984, as amended.

**NEW SECTION, Sec. 9.** The state treasurer is hereby designated and appointed custodian of all moneys received by the state from the appropriations made by the said acts of congress as provided for in section 8 of this act and is authorized to receive and to provide for the proper custody of the same and to make disbursements therefrom in the manner provided in said acts and for the purposes therein specified. The treasurer shall also, upon the order of the appropriate agency in accordance with the provisions of those state acts relating to the promotion of vocational education, pay out any moneys appropriated by the state of Washington for the purpose of carrying out the provisions thereof relating to vocational education.

**NEW SECTION, Sec. 10.** For the purposes of this chapter, vocational schools or classes may be established (1) as all day schools or classes giving instruction in vocational subjects; (2) as part time schools or classes giving instruction in vocational subjects; and (3) as evening school classes giving instruction supplemental to the daily employment.

**NEW SECTION, Sec. 11.** The state board of education may authorize the school districts to offer vocational education programs in the elementary and secondary schools and the state board of education shall adopt rules to implement such programs and shall also adopt such rules for programs authorized by RCW 28A.58.245.

**NEW SECTION, Sec. 12.** (1) Each local education agency or community college district offering vocational educational preparatory programs shall establish local advisory committees to provide that agency or district with advice on current job needs and on the courses necessary to meet these needs.

(2) The local program committees shall:

(a) Participate in the determination of program goals;

(b) Review and evaluate program curricula, equipment, and effectiveness;

(c) Include representatives of business and labor who reflect the local industry in the community; and

(d) Actively consult with other representatives of business, industry, labor, and agriculture.

**NEW SECTION, Sec. 13.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Applicant" means an educational institution which has made application for a job skills grant under RCW 28C.04.420 through 28C.04.480.

(2) "Board" means the state board for vocational education.

(3) "Business and industry" means a private corporation, institution, firm, person, group, or association concerned with commerce, trades, manufacturing, or the provision of services within the state, or a public or nonprofit hospital licensed by the department of social and health services.

(4) "Educational institution" means a public secondary or postsecondary institution or an independent institution within the state authorized by law to provide a program of skills training or education beyond the secondary school level. Any educational institution receiving a job skills grant under RCW 28C.04.420 through 28C.04.480 shall be free of sectarian control or influence as set forth in Article IX, section 4 of the state Constitution.

(5) "Equipment" means tangible personal property which will further the objectives of the supported program and for which a definite value and evidence in support of the value have been provided by the donor.

(6) "Executive director" means the executive director of the state board for vocational education.

(7) "Financial support" means any thing of value which is contributed by business and industry to an educational institution which is reasonably calculated to support directly the

development and expansion of a particular program under RCW 28C.04.420 through 28C.04.480 and represents an addition to any financial support previously or customarily provided to such educational institutions by the donor. "Financial support" includes, but is not limited to, funds, equipment, facilities, faculty, and scholarships for matriculating students and trainees.

(8) "Industrial arts" and "practical arts" mean general education centered around the industrial and technical aspects of current living, offering orientation in and appreciation for production, consumption, and recreation through actual experiences with materials and goods and also providing exploratory experiences which are helpful in the choice of a vocation.

(9) "Job market area" means the geographic area for recruitment and placement of job entrants, usually determined by each industry or by a collective bargaining agreement.

(10) "Job skills grant" means funding that is provided to an educational institution by the office for the development or significant expansion of a program under RCW 28C.04.420 through 28C.04.480.

(11) "Job skills program" means a program of skills training or education separate from and in addition to existing vocational education programs and which:

(a) Provides short-term training which has been designated for specific industries;

(b) Provides training for prospective employees before a new plant opens or when existing industry expands;

(c) Includes training and retraining for workers already employed by an existing industry or business where necessary to avoid dislocation or where upgrading of existing employees would create new vacancies for unemployed persons;

(d) Serves areas with high concentrations of economically disadvantaged persons and high unemployment;

(e) Serves areas with new and growing industries;

(f) Serves areas where there is a shortage of skilled labor to meet job demands; or

(g) Promotes the location of new industry in areas affected by economic dislocation.

(12) "Occupational exploration" includes prevocational education and means a series of educational experiences designed to: (a) Assist individuals in developing their understanding of, appreciation for, aptitudes for, and abilities in recognized occupations; (b) develop an attitude of respect toward work and pride in workmanship; and (c) provide knowledge and experience to assist in the choice of an occupational program.

(13) "Postsecondary education system" means those educational courses and programs, not within the jurisdiction of the superintendent of public instruction, being offered beyond secondary education by institutions of higher education in the state of Washington which includes academic, vocational, technical or professional training traditionally leading to an associate, baccalaureate, or higher degree or a certificate of achievement.

(14) "Secondary education system" means those educational courses and programs, within the jurisdiction of the superintendent of public instruction, being offered in the common schools of the state of Washington in the grades 7 through 12, or any part thereof, which are traditionally provided for the purpose of granting a recognized certificate of completion or a high school diploma: PROVIDED, That notwithstanding the provisions of this chapter and RCW 28B.50.140(1), existing vocational-technical institutes operating within the secondary school system shall continue to function within the common school system.

(15) "State plan" or "plan" means the Washington state plan for vocational education, adopted as outlined under this chapter. This plan shall be a single comprehensive plan and shall meet the requirements of this chapter and the requirements of Public Law 98-524 as amended, and other state, federal, congressional, and administrative directives pertaining to vocational education. However, standards of, rules for, and supervision of indentured apprenticeship in the apprenticeable crafts shall continue to be governed by the director of labor and industries and the state apprenticeship council under chapter 49.04 RCW.

(16) "Technical assistance" means professional and any other assistance provided by business and industry to an educational institution, which is reasonably calculated to support directly the development and expansion of a particular program and which represents an addition to any technical assistance previously or customarily provided to the educational institutions by the donor.

(17) "Vocational education" means a planned series of learning experiences, the specific objective of which is to prepare persons to enter, continue in, or upgrade themselves in gainful employment in recognized occupations, including consumer education and homemaking, home and family life programs, and volunteer fire fighting training, which are not designated as professional or requiring a baccalaureate or higher degree.

(18) "Vocational-technical institute" means a specialized area nongraded vocational education facility established and operated for the purpose of offering comprehensive courses primarily oriented to the job market area in vocational education for persons sixteen years of age and older without regard to residence, under laws, and rules pertaining to the maintenance, operation, and capital funding of vocational-technical institutes. Service areas for common school vocational-technical institutes shall be defined specifically by the office, recognizing areas traditionally served.

**NEW SECTION.** Sec. 14. Children of any person who was a Washington domiciliary and who has been determined by the federal government to be a prisoner of war or missing in action in Southeast Asia, including Korea shall be admitted to any public vocational-technical school within the state without the necessity of paying any registration fees or tuition fees if such child meets such other educational qualifications as such vocational-technical school shall deem reasonable and necessary under the circumstances. Affected institutions shall in their preparation of future budgets include costs resultant from such registration fee or tuition loss for reimbursement from appropriations of state funds. Applicants for free tuition shall provide institutional administrative personnel with documentation of their rights under this section.

**NEW SECTION.** Sec. 15. There is hereby created a state council on vocational education, hereinafter referred to as the "council," for so long as a state council is required by federal law or regulation as a condition for receipt of federal funds, consisting of not less than thirteen members appointed by the governor, without regard to the civil service laws, for terms of three years. The initial members of the council shall be the members of the state advisory council on vocational education as it existed immediately prior to the effective date of this section, who shall serve the remainder of their unexpired terms.

**NEW SECTION.** Sec. 16. (1) The composition and duties of the state council on vocational education shall be in accordance with federal law. As terms expire, the governor shall make an appointment necessary to fill any vacancy.

(2) The council shall meet at least four times a year at the call of the chair, who shall be selected by vote of the members.

(3) Members of the council shall receive their travel expenses while engaged in the business of the council in accordance with RCW 43.03.050 and 43.03.060.

(4) Funds necessary for the execution of the council's duties shall be provided from funds paid pursuant to Public Law 98-524 and supplementary funds as appropriated by the legislature. The council may 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 council and expend the same or any income therefrom according to the terms of the gifts, grants, or endowments.

**NEW SECTION.** Sec. 17. The duties of the council shall be in accordance with federal law. The council shall obtain the services of an executive director and confidential secretary to such director, both of whom shall be exempt from the provisions of chapter 41.06 RCW, and such professional, technical, and clerical personnel as may be deemed necessary to enable it to carry out its functions under this section and to contract for such services as may be necessary to enable them to carry out their evaluation functions.

**NEW SECTION.** Sec. 18. All reports, documents, surveys, books, records, files, papers, or written material in the possession of the commission for vocational education pertaining to the powers, functions, and duties transferred shall be delivered to the custody of the state board for vocational education, the state board for community college education, or the superintendent of public instruction, as applicable. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the commission for vocational education in carrying out the powers, functions, and duties transferred shall be made available to the applicable agencies. All funds, credits, or other assets held in connection with the powers, functions, and duties transferred shall be assigned to the applicable agencies.

Any appropriations made to the commission for vocational education for carrying out the powers, functions, and duties transferred shall, on the effective date of this section, be transferred and credited to the applicable agencies.

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. 19. Employees of the commission for vocational education, except the director and deputy director, engaged in performing the powers, functions, and duties transferred to the state board for vocational education, the state board for community college education, or the superintendent of public instruction, as applicable, are transferred to the jurisdiction of the applicable agencies in accordance with the personnel study provided in section 24 of this act. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the applicable agencies 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. 20. All rules and all pending business before the commission for vocational education pertaining to the powers, functions, and duties transferred shall be continued and acted upon by the state board for vocational education, the state board for community college education, or the superintendent of public instruction, as applicable. All existing contracts and obligations shall remain in full force and shall be performed by the applicable agencies.

NEW SECTION. Sec. 21. The transfer of the powers, duties, functions, and personnel of the commission for vocational education shall not affect the validity of any act performed by such employee prior to the effective date of this section.

NEW SECTION. Sec. 22. If apportionments of budgeted funds are required because of the transfers directed by sections 18 through 21 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. 23. Nothing contained in sections 18 through 22 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. 24. The director of financial management, in consultation with the department of personnel and the higher education personnel board, shall conduct an analysis of staffing needs and necessary personnel classifications for the state board for vocational education. Until the study is completed, the state board for vocational education shall not fill any vacancies without approval of the director of financial management. The study required under this section shall be completed no later than sixty days after the effective date of this section.

Sec. 25. Section 4, chapter 21, Laws of 1983 1st ex. sess. and RCW 28C.04.420 are each amended to read as follows:

The ~~((commission)) board~~ may, subject to appropriation from the legislature or from funds made available from any other public or private source and pursuant to rules adopted by the ~~((commission)) board~~, provide job skills grants to educational institutions. The job skills grants shall be used exclusively for programs which are consistent with the job skills program. A job skills grant may be awarded only after:

(1) Receipt of an application from an educational institution which contains a proposal for a program of skills training and education, including a description of the program, the type of skills training or education to be provided, a statement of the total cost of the program and a breakdown of the costs associated with equipment, personnel, facilities, and materials, a statement of the employment needs for the program and evidence in support thereof, demonstrates that the program does not unnecessarily duplicate existing programs in the area and is provided at a reasonable cost, a statement of the technical assistance and financial support for the program received or to be received from business and industry, and such other information as the ~~((commission)) state board for community college education~~ requests; and

(2) The ~~((commission)) state board for community college education~~, based on the application submitted by the educational institution and such additional investigation as the staff of the ~~((commission)) state for community college education~~ shall make, finds that:

(a) The program is within the scope of the job skills program under this chapter and may reasonably be expected to succeed and thereby increase employment within the state;

(b) Provision has been made to use any available alternative funding from local, state, and federal sources;

(c) The job skills grant will only be used to cover the costs associated with the program;

(d) The program will not unnecessarily duplicate existing programs and could not be provided by another educational institution more effectively or efficiently;

(e) The program involves an area of skills training and education for which there is a demonstrable need;

(f) The applicant has made provisions for the use of existing federal and state resources for student financial assistance;

(g) The job skills grant is essential to the success of the program as the resources of the applicant are inadequate to attract the technical assistance and financial support necessary for the program from business and industry;

(h) The commitment of financial support from business and industry shall be equal to or greater than the amount of the requested job skills grant;

(i) Binding commitments have been made to the ~~((commission)) state board for community college education~~ by the applicant for adequate reporting of information and data regarding the program to the ~~((commission)) state board for community college education~~, particularly information concerning the recruitment and employment of trainees and students, and including a requirement for an annual or other periodic audit of the books of the applicant directly related to the program, and for such control on the part of the ~~((commission)) state board for community college education~~ as it considers prudent over the management of the program, so as to protect the use of public funds, including, in the discretion of the ~~((commission)) state board for community college education~~ and without limitation, right of access to financial and other records of the applicant directly related to the programs;

(j) Provision has been made by the applicant to work, in cooperation with the employment security department, to identify and screen potential trainees and that provision has been made by the applicant of persons who are victims of economic dislocation and persons from minority and economically disadvantaged groups to participate in the program; and

(k) Binding commitments have been made to the ~~((commission))~~ state board for community college education by the applicant for compliance with the monitoring and evaluation rules of the ~~((commission))~~ state board for community college education.

Sec. 26. Section 5, chapter 21, Laws of 1983 1st ex. sess. and RCW 28C.04.430 are each amended to read as follows:

Upon approval by the board of a job skills grant application ~~((by the commission, the commission)), the board~~ shall immediately provide notification of its decision to the employment security department and to the state board for community college education. The notification shall include the following information regarding the supported program: The trade, occupation, or profession with which the program is concerned; a description of the curriculum, the requirements for participation, and the procedures for making application; the duration of the program; a description of support services available to participants in the program; and any other information relevant to encouraging and facilitating the participation in the program of those in economic need. Grant awards shall be announced by the state board for vocational education.

Sec. 27. Section 6, chapter 21, Laws of 1983 1st ex. sess. as amended by section 40, chapter 466, Laws of 1985 and RCW 28C.04.440 are each amended to read as follows:

The department of trade and economic development or its successor ~~((and)), the employment security department, and the office of the superintendent of public instruction~~ shall each enter into an interagency agreement with the ~~((commission on vocational education))~~ state board for community college education to establish cooperative working arrangements for the purposes of RCW 28C.04.410 through 28C.04.480.

Sec. 28. Section 8, chapter 21, Laws of 1983 1st ex. sess. as amended by section 41, chapter 466, Laws of 1985 and RCW 28C.04.460 are each amended to read as follows:

The department of trade and economic development or its successor shall for the purposes of RCW 28C.04.410 through 28C.04.480:

(1) Work cooperatively with the ~~((commission on vocational education))~~ state board for community college education to market the job skills program to business and economic development agencies and other firms;

(2) Recruit industries from outside the state to participate in the job skills training program; and

(3) Refer business and industry interested in developing a job skills training program to the ~~((commission on vocational education))~~ state board for community college education.

Sec. 29. Section 9, chapter 21, Laws of 1983 1st ex. sess. and RCW 28C.04.470 are each amended to read as follows:

The ~~((commission))~~ state board for vocational education shall annually submit a complete and detailed report of ~~((the commission's))~~ all activities affecting the job skills program under RCW 28C.04.410 through 28C.04.480 within ninety days after the end of the fiscal year to the chief clerk of the house of representatives, to the secretary of the senate, and to the governor. The annual report shall include, but not be limited to, descriptions of all programs funded, and evaluation of the performance of each program, a summary of the public moneys expended, and the demographic and economic characteristics of the individuals trained, educated, and employed, including, in particular, the number of minority and economically disadvantaged individuals.

Sec. 30. Section 3, chapter 267, Laws of 1984 and RCW 28C.04.530 are each amended to read as follows:

(1) The ~~((commission for vocational education))~~ office of the superintendent of public instruction shall have the responsibility for the development and administration of the Washington award for vocational excellence program. The ~~((commission))~~ office of the superintendent of public instruction shall develop the program in consultation with other state agencies and private organizations having interest and responsibility in vocational education, including but not limited to: The state board for community college education, the office of the superintendent of public instruction, a voluntary professional association of vocational educators, and representatives from business, labor, and industry.

(2) The ~~((commission))~~ office of the superintendent of public instruction shall establish a planning committee to develop the criteria for screening and selecting the students who will receive the award. This criteria shall include but not be limited to the following characteristics: Proficiency in their chosen fields, attendance, attitude, character, leadership, and civic contributions.

Sec. 31. Section 4, chapter 267, Laws of 1984 and RCW 28C.04.535 are each amended to read as follows:

The Washington award for vocational excellence shall be granted annually. The ~~((commission))~~ state board for vocational education shall notify the students receiving the award, their vocational instructors, local chambers of commerce, the legislators of their respective districts, and the governor, after final selections have been made. The ~~((commission))~~ board, in conjunction with the governor's office, shall prepare appropriate certificates to be presented to the selected students. Awards shall be presented in public ceremonies at times and places determined by the ~~((commission))~~ board in cooperation with the office of the governor.

Sec. 32. Section 5, chapter 267, Laws of 1984 and RCW 28C.04.540 are each amended to read as follows:

The ~~((commission))~~ office of the superintendent of public instruction may accept any and all donations, grants, bequests, and devices, conditional or otherwise, or money, property, service, or other things of value which may be received from any federal, state, or local agency, any institution, person, firm, or corporation, public and private, to be held, used, or applied for the purposes of the Washington award for vocational excellence program. The ~~((commission))~~ office of the superintendent of public instruction shall encourage maximum participation from business, labor, and community groups. The ~~((commission))~~ office of the superintendent of public instruction shall also coordinate, where feasible, the contribution activities of the various participants.

~~((The commission shall not make expenditures from funds collected under this section until February 15, 1985.))~~

Sec. 33. Section 8, chapter 267, Laws of 1984 and RCW 28C.04.550 are each amended to read as follows:

~~((The Washington award for vocational excellence shall be effective commencing with the 1984-85 academic year. The commission for vocational education shall report on the program to the legislature and to the governor by January 15, 1985. The report shall include a description of the program, a copy of any rules implementing the program, a list of the participants, and the commission's recommendations for any additional statutory changes needed to improve the program.~~

~~Thereafter, the commission))~~ The state board for vocational education shall report on the results and effectiveness of ~~((this award))~~ the Washington award for vocational excellence program to the legislature and the governor on or before January 15 of each odd-numbered year. The ~~((1987))~~ 1989 report shall include an evaluation of the effects of expanding the tuition and fee waiver period from one to two years.

Sec. 34. Section 2, chapter 299, Laws of 1986 and RCW 28C.10.020 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Agency" means the ~~((commission for vocational education or its successor))~~ state board for vocational education.

(2) "Agent" means a person owning an interest in, employed by, or representing for remuneration a private vocational school within or without this state, who enrolls or personally attempts to secure the enrollment in a private vocational school of a resident of this state, offers to award educational credentials for remuneration on behalf of a private vocational school, or holds himself or herself out to residents of this state as representing a private vocational school for any of these purposes.

(3) "Degree" means any designation, appellation, letters, or words including but not limited to "associate," "bachelor," "master," "doctor," or "fellow" which signify or purport to signify satisfactory completion of an academic program of study beyond the secondary school level.

(4) "Education" includes but is not limited to, any class, course, or program of training, instruction, or study.

(5) "Educational credentials" means degrees, diplomas, certificates, transcripts, reports, documents, or letters of designation, marks, appellations, series of letters, numbers, or words which signify or appear to signify enrollment, attendance, progress, or satisfactory completion of the requirements or prerequisites for any educational program.

(6) "Entity" includes, but is not limited to, a person, company, firm, society, association, partnership, corporation, or trust.

(7) "Private vocational school" means any entity offering postsecondary education in any form or manner for the purpose of instructing, training, or preparing persons for any vocation or profession.

(8) "To grant" includes to award, issue, sell, confer, bestow, or give.

(9) "To offer" includes, in addition to its usual meanings, to advertise or publicize. "To offer" also means to solicit or encourage any person, directly or indirectly, to perform the act described.

(10) "To operate" means to establish, keep, or maintain any facility or location where, from, or through which education is offered or educational credentials are offered or granted to residents of this state; and includes contracting for the performance of any such act.

Sec. 35. Section 7, chapter 175, Laws of 1973 1st ex. sess. as last amended by section 1, chapter 465, Laws of 1985 and RCW 18.106.070 are each amended to read as follows:

(1) The department shall issue a certificate of competency to all applicants who have passed the examination and have paid the fee for the certificate. The certificate shall bear the date of issuance, and shall expire on the birthdate of the holder immediately following the date of issuance. The certificate shall be renewable every other year, upon application, on or before the birthdate of the holder. A renewal fee shall be assessed for each certificate. If a person fails to renew the certificate by the renewal date, he or she must pay a doubled fee. If

the person does not renew the certificate within ninety days of the renewal date, he or she must retake the examination and pay the examination fee.

The certificate of competency and the temporary permit provided for in this chapter grant the holder the right to engage in the work of plumbing as a journeyman plumber or specialty plumber in accordance with their provisions throughout the state and within any of its political subdivisions on any job or any employment without additional proof of competency or any other license or permit or fee to engage in the work. This section does not preclude employees from adhering to a union security clause in any employment where such a requirement exists.

(2) A person who is indentured in an apprenticeship program approved under chapter 49.04 RCW for the plumbing construction trade or who is learning the plumbing construction trade may work in the plumbing construction trade if supervised by a certified journeyman plumber or a certified specialty plumber in that plumber's specialty. All apprentices and individuals learning the plumbing construction trade shall obtain a plumbing training certificate from the department. The certificate shall authorize the holder to learn the plumbing construction trade while under the direct supervision of a journeyman plumber or a specialty plumber working in his or her specialty. The holder of the plumbing training certificate shall renew the certificate annually. At the time of renewal, the holder shall provide the department with an accurate list of the holder's employers in the plumbing construction industry for the previous year and the number of hours worked for each employer. An annual fee shall be charged for the issuance or renewal of the certificate. The department shall set the fee by rule. The fee shall cover but not exceed the cost of administering and enforcing the trainee certification and supervision requirements of this chapter. Apprentices and individuals learning the plumbing construction trade shall have their plumbing training certificates in their possession at all times that they are performing plumbing work. They shall show their certificates to an authorized representative of the department at the representative's request.

(3) Any person who has been issued a plumbing training certificate under this chapter may work if that person is under supervision. Supervision shall consist of a person being on the same job site and under the control of either a journeyman plumber or an appropriate specialty plumber who has an applicable certificate of competency issued under this chapter. Either a journeyman plumber or an appropriate specialty plumber shall be on the same job site as the noncertified individual for a minimum of seventy-five percent of each working day unless otherwise provided in this chapter. The ratio of noncertified individuals to certified journeymen or specialty plumbers working on a job site shall be: (a) From July 28, 1985, through June 30, 1988, not more than three noncertified plumbers working on any one job site for every certified journeyman or specialty plumber; (b) effective July 1, 1988, not more than two noncertified plumbers working on any one job site for every certified specialty plumber or journeyman plumber working as a specialty plumber; and (c) effective July 1, 1988, not more than one noncertified plumber working on any one job site for every certified journeyman plumber working as a journeyman plumber.

An individual who has a current training certificate and who has successfully completed or is currently enrolled in an approved apprenticeship program or in a technical school program in the plumbing construction trade in a school approved by the (~~commission for vocational education~~) office of the superintendent of public instruction or the state board for community college education, may work without direct on-site supervision during the last six months of meeting the practical experience requirements of this chapter.

Sec. 36. Section 2, chapter 30, chapter 1980 as amended by section 13, chapter 206, Laws of 1983 and RCW 19.28.510 are each amended to read as follows:

(1) No person may engage in the electrical construction trade without having a current journeyman electrician certificate of competency or a current specialty electrician certificate of competency issued by the department in accordance with this chapter. Electrician certificate of competency specialties include, but are not limited to: Residential, domestic appliances, pump and irrigation, limited energy system, signs, and nonresidential maintenance.

(2) A person who is indentured in an apprenticeship program approved under chapter 49.04 RCW for the electrical construction trade or who is learning the electrical construction trade may work in the electrical construction trade if supervised by a certified journeyman electrician or a certified specialty electrician in that electrician's specialty. All apprentices and individuals learning the electrical construction trade shall obtain an electrical training certificate from the department. The certificate shall authorize the holder to learn the electrical construction trade while under the direct supervision of a journeyman electrician or a specialty electrician working in his or her specialty. The holder of the electrical training certificate shall renew the certificate annually. At the time of renewal, the holder shall provide the department with an accurate list of the holder's employers in the electrical construction industry for the previous year and the number of hours worked for each employer. An annual fee shall be charged for the issuance or renewal of the certificate. The department shall set the fee by rule. The fee shall cover but not exceed the cost of administering and enforcing the trainee certification and supervision requirements of this chapter. Apprentices and individuals learning the electrical construction trade shall have their electrical training certificates in their possession at



all times that they are performing electrical work. They shall show their certificates to an authorized representative of the department at the representative's request.

(3) Any person who has been issued an electrical training certificate under this chapter may work if that person is under supervision. Supervision shall consist of a person being on the same job site and under the control of either a journeyman electrician or an appropriate specialty electrician who has an applicable certificate of competency issued under this chapter. Either a journeyman electrician or an appropriate specialty electrician shall be on the same job site as the noncertified individual for a minimum of seventy-five percent of each working day unless otherwise provided in this chapter. The ratio of noncertified individuals to certified journeymen or specialty electricians working on a job site shall be:

(a) From September 1, 1979, through December 31, 1982, not more than three noncertified electricians working on any one job site for every certified journeyman or specialty electrician;

(b) Effective January 1, 1983, not more than two noncertified individuals working on any one job site for every specialty electrician or journeyman electrician working as a specialty electrician;

(c) Effective January 1, 1983, not more than than one noncertified individual working on any one job site for every certified journeyman electrician.

The ratio requirements do not apply to a trade school program in the electrical construction trade established during 1946.

An individual who has a current training certificate and who has successfully completed or is currently enrolled in an approved apprenticeship program or in a technical school program in the electrical construction trade in a school approved by the (~~commission for vocational education~~) office of the superintendent of public instruction or the state board for community college education, may work without direct on-site supervision during the last six months of meeting the practical experience requirements of this chapter.

Sec. 37. Section 4, chapter 30, Laws of 1980 as amended by section 14, chapter 206, Laws of 1983 and RCW 19.28.530 are each amended to read as follows:

(1) Upon receipt of the application, the department shall review the application and determine whether the applicant is eligible to take an examination for the journeyman or specialty certificate of competency. To be eligible to take the examination for a journeyman certificate the applicant must have worked in the electrical construction trade for a minimum of four years employed full time, of which two years shall be in industrial or commercial electrical installation under the supervision of a journeyman electrician certified under this chapter and not more than a total of two years in all specialties under the supervision of a journeyman electrician certified under this chapter or an appropriate specialty electrician certified under this chapter or have successfully completed an apprenticeship program approved under chapter 49.04 RCW for the electrical construction trade. To be eligible to take the examination to become a specialty electrician the applicant shall have worked in that specialty of the electrical construction trade, under the supervision of a journeyman electrician certified under this chapter or an appropriate specialty electrician certified under this chapter, for a minimum of two years employed full time, or have successfully completed an approved apprenticeship program under chapter 49.04 RCW for the applicant's specialty in the electrical construction trade. Before January 1, 1984, applicants for nonresidential maintenance specialty licenses are eligible to become nonresidential maintenance specialists upon certification to the department that they have the equivalent of two years full-time experience in that specialty field. Persons applying before January 1, 1984, for a journeyman certificate are eligible to take the examination to become journeymen until July 1, 1984, upon certification to the department that they have the equivalent of five years full-time experience in nonresidential maintenance, of which two years shall be in industrial electrical installation. Any applicant who has successfully completed a two-year technical school program in the electrical construction trade in a school that is approved by the (~~commission for vocational education~~) office of the superintendent of public instruction or the state board for community college education may substitute up to two years of the technical school program for two years of work experience under a journeyman electrician. The applicant shall obtain the additional two years of work experience required in industrial or commercial electrical installation prior to the beginning, or after the completion, of the technical school program. Any applicant who has received training in the electrical construction trade in the armed service of the United States may be eligible to take the examination for the certificate of competency. Any applicant who is a graduate of a trade school program in the electrical construction trade that was established during 1946 is eligible to take the examination for the certificate of competency. No other requirement for eligibility may be imposed.

(2) The department shall establish reasonable rules for the examinations to be given applicants for certificates of competency. In establishing the rules, the department shall consult with the board of electrical examiners. Upon determination that the applicant is eligible to take the examination, the department shall so notify the applicant, indicating the time and place for taking the examination.

Sec. 38. Section 14, chapter 370, Laws of 1985 and RCW 28B.80.430 are each amended to read as follows:

The board shall employ a director and may delegate agency management to the director. The director shall serve at the pleasure of the board, shall be the executive officer of the board, and shall, under the board's supervision, administer the provisions of this chapter. The executive director shall, with the approval of the board: (1) Employ necessary deputy and assistant directors and other exempt staff under chapter 28B.16 RCW who shall serve at his or her pleasure on such terms and conditions as he or she determines and (2) subject to the provisions of chapter 28B.16 RCW, appoint and employ such other employees as may be required for the proper discharge of the functions of the board. The executive director shall exercise such additional powers, other than rulemaking, as may be delegated by the board by resolution. In fulfilling the duties under this chapter, the board shall make extensive use of those state agencies with responsibility for implementing and supporting postsecondary education plans and policies including but not limited to appropriate legislative groups, the postsecondary education institutions, the office of financial management, the ~~((commission for vocational education))~~ state board for vocational education, and the state board for community college education. Outside consulting and service agencies may also be employed. The board may compensate these groups and consultants in appropriate ways.

Sec. 39. 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))~~ state board 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. 40. Section 3, chapter 43, Laws of 1982 as last amended by section 66, chapter 466, Laws of 1985 and RCW 50.38.030 are each amended to read as follows:

The employment security department shall consult with the following agencies prior to the issuance of the state occupational forecast:

- (1) Office of financial management;
- (2) Department of trade and economic development;
- (3) Department of labor and industries;
- (4) State board for community college education;
- (5) Superintendent of public instruction;
- (6) Department of social and health services;
- (7) Department of community development;
- (8) ~~((Commission))~~ State board for vocational education; and
- (9) Other state and local agencies as deemed appropriate by the commissioner of the employment security department.

These agencies shall cooperate with the employment security department, submitting information relevant to the generation of occupational forecasts.

Sec. 41. Section 3, chapter 77, Laws of 1969 ex. sess. as amended by section 2, chapter 224, Laws of 1975 1st ex. sess. and RCW 51.08.012 are each amended to read as follows:

For the purposes of this title, "accredited school" means a school or course of instruction which is:

(1) Approved by the state superintendent of public instruction, the state board of education, or the state board for community college education (~~or the state division of vocational education of the coordinating council for occupational education~~); or

(2) Regulated or licensed as to course content by any agency of the state or under any occupational licensing act of the state, or recognized by the apprenticeship council under an agreement registered with the apprenticeship council pursuant to chapter 49.04 RCW.

Sec. 42. Section 4, chapter 179, Laws of 1969 ex. sess. and RCW 70.100.040 are each amended to read as follows:

The superintendent of public instruction, after consulting with the department of labor and industries, (~~and the division of vocational education~~) shall prepare and circulate to each public and private educational institution in this state (~~within six months of the date of passage of this chapter~~), and update when necessary, a manual containing instructions and recommendations for the guidance of such institutions in implementing the eye safety provisions of this chapter.

Sec. 43. Section 1, chapter 231, Laws of 1941 as last amended by section 97, chapter 287, Laws of 1984 and RCW 49.04.010 are each amended to read as follows:

The director of labor and industries shall appoint an apprenticeship council, composed of three representatives each from employer and employee organizations, respectively. The terms of office of the members of the apprenticeship council first appointed by the director of labor and industries shall be as follows: One representative each of employers and employees shall be appointed for one year, two years, and three years, respectively. Thereafter, each member shall be appointed for a term of three years. The governor shall appoint a public member to the apprenticeship council for a three-year term. The appointment of the public member is subject to confirmation by the senate. Each member shall hold office until his successor is appointed and has qualified and any vacancy shall be filled by appointment to the unexpired portion of the term. The state official who has been designated by the (~~commission for vocational education~~) superintendent of public instruction as being in charge of trade and industrial education and the state official who has immediate charge of the state public employment service shall ex officio be members of said council, without vote. Each member of the council, not otherwise compensated by public moneys, shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060 and shall be compensated in accordance with RCW 43.03.240. The apprenticeship council with the consent of employee and employer groups shall: (1) Establish standards for apprenticeship agreements in conformity with the provisions of this chapter; (2) issue such rules and regulations as may be necessary to carry out the intent and purposes of this chapter, including a procedure to resolve an impasse should a tie vote of the council occur; and (3) perform such other duties as are hereinafter imposed. Not less than once a year the apprenticeship council shall make a report to the director of labor and industries of its activities and findings which shall be available to the public.

Sec. 44. Section 2, chapter 231, Laws of 1941 as last amended by section 2, chapter 37, Laws of 1979 ex. sess. and RCW 49.04.030 are each amended to read as follows:

Subject to the confirmation of the state apprenticeship council by a majority vote, the director of labor and industries shall appoint and depute an assistant director to be known as the supervisor of apprenticeship. Under the supervision of the director of labor and industries and with the advice and guidance of the apprenticeship council, the supervisor shall: (1) Encourage and promote the making of apprenticeship agreements conforming to the standards established by or in accordance with this chapter, and in harmony with the policies of the United States department of labor; (2) act as secretary of the apprenticeship council and of state joint apprenticeship committees; (3) when so authorized by the apprenticeship council, register such apprenticeship agreements as are in the best interests of the apprentice and conform to the standards established by or in accordance with this chapter; (4) keep a record of apprenticeship agreements and upon performance thereof issue certificates of completion of apprenticeship; (5) terminate or cancel any apprenticeship agreements in accordance with the provisions of such agreements; and who (6) may act to bring about the settlement of differences arising out of the apprenticeship agreement where such differences cannot be adjusted locally or in accordance with the established trade procedure.

Related and supplemental instruction for apprentices, coordination of instruction with job experiences, and the selection and training of teachers and coordinators for such instruction shall be the responsibility of the (~~commission for vocational education and its~~) superintendent of public instruction and the local recognized (~~agency~~) agencies for vocational education. The director of labor and industries is authorized to appoint such other personnel as may be necessary to aid the apprenticeship council and the supervisor of apprenticeship in the execution of their functions under this chapter.

NEW SECTION. Sec. 45. Section 2, chapter 21, Laws of 1983 1st ex. sess. and RCW 28C.04.410 are each repealed.

Sec. 46. Section 43, chapter 197, Laws of 1983 and RCW 43.131.288 are each amended to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1987:

- (1) Section 1, chapter 174, Laws of 1975 1st ex. sess. and RCW 28C.04.010;
- (2) Section 2, chapter 174, Laws of 1975 1st ex. sess. and RCW 28C.04.020;
- (3) Section 3, chapter 285, Laws of 1971 ex. sess. and RCW 28C.04.025;
- (4) Section 4, chapter 285, Laws of 1971 ex. sess., section 13, chapter 174, Laws of 1975 1st ex. sess. and RCW 28C.04.026;
- (5) Section 3, chapter 174, Laws of 1975 1st ex. sess. and RCW 28C.04.030;
- (6) Section 4, chapter 174, Laws of 1975 1st ex. sess., section 3, chapter 21, Laws of 1983 1st ex. sess., section 89, chapter 370, Laws of 1985, section 78, chapter 266, Laws of 1986 and RCW 28C.04.040;
- (7) Section 5, chapter 174, Laws of 1975 1st ex. sess. and RCW 28C.04.050;
- (8) Section 6, chapter 174, Laws of 1975 1st ex. sess. and RCW 28C.04.060;
- (9) Section 8, chapter 174, Laws of 1975 1st ex. sess., section 79, chapter 34, Laws of 1975-'76 2nd ex. sess., section 66, chapter 287, Laws of 1984 and RCW 28C.04.070;
- (10) Section 10, chapter 174, Laws of 1975 1st ex. sess. and RCW 28C.04.080;
- (11) Section 28B.50.230, chapter 223, Laws of 1969 ex. sess., section 14, chapter 174, Laws of 1975 1st ex. sess. and RCW 28C.04.090;
- (12) ~~((Section 1, chapter 98, Laws of 1969 ex. sess. and RCW 28C.04.140;~~
- ~~((+3))~~ Section 7, chapter 174, Laws of 1975 1st ex. sess. and RCW 28C.04.150;
- ~~((+4))~~ (13) Section 11, chapter 174, Laws of 1975 1st ex. sess. and RCW 28C.04.160;
- ~~((+5))~~ (14) Section 28A.09.070, chapter 223, Laws of 1969 ex. sess. and RCW 28C.04.200;
- ~~((+6))~~ (15) Section 28A.09.080, chapter 223, Laws of 1969 ex. sess. and RCW 28C.04.210;
- ~~((+7))~~ (16) Section 28A.09.090, chapter 223, Laws of 1969 ex. sess. and RCW 28C.04.220;
- ~~((+8))~~ (17) 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;
- ~~((+9))~~ (18) Section 1, chapter 17, Laws of 1972 ex. sess., section 1, chapter 63, Laws of 1973 and RCW 28C.04.240;
- ~~((20))~~ (19) Section 52, chapter 283, Laws of 1969 ex. sess., section 76, chapter 34, Laws of 1975-'76 2nd ex. sess., section 67, chapter 287, Laws of 1984 and RCW 28C.04.300;
- ~~((21))~~ (20) Section 53, chapter 283, Laws of 1969 ex. sess., section 16, chapter 174, Laws of 1975 1st ex. sess. and RCW 28C.04.310;
- ~~((22))~~ (21) Section 9, chapter 174, Laws of 1975 1st ex. sess. and RCW 28C.04.500;
- ~~((23))~~ (22) Section 12, chapter 174, Laws of 1975 1st ex. sess., section 1, chapter 86, Laws of 1975-'76 2nd ex. sess., section 23, chapter 151, Laws of 1979, section 90, chapter 370, Laws of 1985 and RCW 28C.04.510;
- ~~((24))~~ (23) Section 1, chapter 349, Laws of 1977 ex. sess., section 12, chapter 470, Laws of 1985, section 62, chapter 266, Laws of 1986 and RCW 28C.50.010;
- ~~((25))~~ (24) Section 2, chapter 349, Laws of 1977 ex. sess. and RCW 28C.50.020;
- ~~((26))~~ (25) Section 3, chapter 349, Laws of 1977 ex. sess. and RCW 28C.50.030;
- ~~((27))~~ (26) Section 4, chapter 349, Laws of 1977 ex. sess., section 19, chapter 57, Laws of 1985 and RCW 28C.50.040;
- ~~((28))~~ (27) Section 5, chapter 349, Laws of 1977 ex. sess., section 13, chapter 470, Laws of 1985, section 63, chapter 266, Laws of 1986 and RCW 28C.50.050;
- ~~((29))~~ (28) Section 6, chapter 349, Laws of 1977 ex. sess. and RCW 28C.50.060;
- ~~((30))~~ (29) Section 8, chapter 349, Laws of 1977 ex. sess. and RCW 28C.50.900;
- ~~((31))~~ (30) Section 1, chapter 225, Laws of 1979 ex. sess., section 1, chapter 48, Laws of 1982 1st ex. sess., section 14, chapter 470, Laws of 1985, section 64, chapter 266, Laws of 1986 and RCW 28C.51.010;
- ~~((32))~~ (31) Section 2, chapter 225, Laws of 1979 ex. sess. and RCW 28C.51.020;
- ~~((33))~~ (32) Section 3, chapter 225, Laws of 1979 ex. sess. and RCW 28C.51.030;
- ~~((34))~~ (33) Section 4, chapter 225, Laws of 1979 ex. sess. and RCW 28C.51.040;
- ~~((35))~~ (34) Section 5, chapter 225, Laws of 1979 ex. sess., section 15, chapter 470, Laws of 1985, section 65, chapter 266, Laws of 1986 and RCW 28C.51.050; and
- ~~((36))~~ (35) Section 6, chapter 225, Laws of 1979 ex. sess. and RCW 28C.51.060.

**NEW SECTION.** Sec. 47. 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. 48. Sections 1 through 17 of this act are each added to chapter 28C.04 RCW.

**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 July 1, 1987."

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Gaspard that the Committee on Education amendment not be adopted.

The motion by Senator Gaspard carried and the committee amendment was not adopted.

#### MOTIONS

On motion of Senator Gaspard, the following amendment by Senators Gaspard, Bailey, Fleming and Benitz was adopted:

Strike everything after the enacting clause and insert the following:

**NEW SECTION.** Sec. 1. (1) The state board for vocational education is hereby created with the primary purpose of coordinating state policy related to vocational education.

(2) The board shall consist of nine members as follows:

(a) The executive director of the state board for community college education, or the executive director's designee;

(b) The superintendent of public instruction or the superintendent's designee;

(c) The commissioner of the department of employment security or the commissioner's designee; and

(d) The following six persons appointed by the governor who shall serve five-year terms, but the initial terms shall be staggered as determined by the governor:

(i) Two representatives of labor who shall be appointed from a list of at least five names submitted by one or more state-wide labor organizations;

(ii) Two representatives of business who shall be appointed from a list of at least five names submitted by one or more state-wide business organizations;

(iii) One representative of agriculture who shall be appointed from a list of at least three names submitted by one or more state-wide agricultural organizations; and

(iv) One representative of community-based organizations.

(3) In making such appointments the governor shall be cognizant of the desirability of appointing persons who also represent the interests of minorities and women.

(4) The chairperson of the board shall be a citizen member chosen by a majority of its members.

**NEW SECTION.** Sec. 2. The board shall meet at the call of the chair, but not less than four times each year.

**NEW SECTION.** Sec. 3. Members of the board shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

**NEW SECTION.** Sec. 4. The state board for vocational education may employ an executive director and such other personnel as may be necessary to carry out the board's duties. The executive director serves at the pleasure of the state board which shall set the director's salary and evaluate the director's performance. The board shall keep its professional and clerical staff to the minimum number of persons necessary to fulfill its duties under section 5 of this act.

**NEW SECTION.** Sec. 5. The state board for vocational education shall have the following powers and duties related to vocational education:

(1) To act as the state liaison with the federal government to ensure that federal requirements are met;

(2) To act as the sole state agency for the receipt and allocation to the office of the superintendent of public instruction and the state board for community college education of federal vocational education funds;

(3) To adopt the comprehensive state plan for vocational education as submitted under section 6(3) of this act;

(4) To review the performance under the state plan and submit a biennial report to the governor and the legislature;

(5) To perform those activities required by the Carl D. Perkins vocational education act of 1984, except that the governor, or his or her designee, the superintendent of public instruction, and the executive director of the state board for community college education shall jointly determine which of the functions, as allowed by federal law, shall be delegated to the superintendent of public instruction and the state board for community college education. The governor is hereby authorized to transfer such functions from the state board for vocational education to the superintendent of public instruction and the state board for community college education or other eligible state education agencies. Such transfers shall be completed by November 30, 1987. Every effort shall be made to ensure that there is no duplication in the functions, programs, and services performed by the state board for vocational education and those performed by the superintendent of public instruction and the state board for community college education;

(6) To coordinate the development of a comprehensive vocational education data system in conjunction with the superintendent of public instruction and the state board for community college education using information collected by the public education systems under section 6(4) of this act and other necessary information available from public and private agencies and organizations;

(7) To coordinate the development of evaluative measures for periodic performance evaluations and state plan compliance monitoring conducted by the superintendent of public instruction and the state board for community college education under section 6(7) of this act;

(8) To work cooperatively with the employment security department to enhance and update the state's occupational information system and the state's career information system;

(9) To act as the adjudicator of any disputes arising regarding vocational education;

(10) To approve job skills program grant awards;

(11) To select the recipients of the Washington award for vocational excellence;

(12) To enforce the provisions of chapter 28C.10 RCW regulating private vocational schools;

(13) To approve the director's budget and staffing proposals for the state board of vocational education;

(14) To make recommendations to the governor, the legislature, and other agencies and organizations pertaining to vocational education and job training; and

(15) To adopt rules necessary to carry out the board's duties.

**NEW SECTION.** Sec. 6. The supervision and delivery of vocational education services in the public schools and community colleges shall remain the responsibility of the superintendent of public instruction and the state board for community college education. They shall have the following powers and duties respecting vocational education programs in their respective jurisdictions:

(1) To establish separate administrative divisions for vocational education in each agency to carry out the duties and functions provided by state and federal law;

(2) To establish an interagency memorandum of agreement specifying cooperative working relationships between the two agencies;

(3) To jointly develop a comprehensive state plan for state and federally funded vocational education as provided in section 13(15) of this act. The state board for vocational education, business groups, labor groups, and other interested parties shall be consulted by the superintendent of public instruction and the state board for community college education for recommendations during the development of the plan. The plan shall:

(a) Address state and local goals and objectives;

(b) Contain biennial objectives and budget priorities;

(c) Include priorities for expenditure of federal vocational education funds by the state;

(d) Address state-wide economic and employment needs;

(e) Contain an assessment of how these needs are being and should be met;

(f) Outline priorities among the needs and the specific resources necessary to meet them;

(g) Include recommendations for improving vocational education;

(h) Include procedures for reviewing and approving new programs proposed by public institutions;

(i) Include procedures for adjudicating disputes;

(j) Contain provisions for evaluating programs including job placement information;

(k) Include procedures for evaluating the effectiveness of input from local advisory committees;

(l) Include procedures for assuring coordination among public and private secondary and postsecondary schools;

(m) Provide for periodic updating of the plan; and

(n) Be submitted to the state board for vocational education for approval;

(4) To establish, maintain, and operate a consistent and reliable vocational education data system which shall be accessible to the state board for vocational education;

(5) To allocate and distribute within their respective education systems all state and federal funds made available to their respective systems under state and federal law for secondary and postsecondary vocational education purposes;

(6) To establish procedures, standards, and evaluative measures for periodic performance evaluations, including the effectiveness of vocational education programs operated within their respective systems;

(7) To monitor the vocational education programs of their respective systems for compliance with the state plan and applicable rules;

(8) To serve as liaison among the common schools, community colleges, and the state board for vocational education;

(9) To perform assignments requested by the state board for vocational education;

(10) To supervise and administer the daily implementation of all elements of the state plan and other operational vocational education functions including, but not limited to, program planning and approval, curriculum development, inservice training, student leadership, vocational certification, program improvement, and research activities;

(11) To adopt rules necessary to implement their respective powers and duties, including rules by the superintendent of public instruction authorizing the financial maintenance and program operations of the existing common school vocational technical institutes.

**NEW SECTION, Sec. 7.** Funds necessary for the execution of the board's duties shall be provided from funds paid pursuant to Public Law 98-524 and supplementary funds as appropriated by the legislature. The board may 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 board and expend the same or any income therefrom according to the terms of the gifts, grants, or endowments.

**NEW SECTION, Sec. 8.** The state of Washington hereby accepts all the provisions and benefits of an act passed by the senate and house of representatives of the United States of America in congress assembled, entitled "An act to provide for the promotion of vocational education, to provide for cooperation with the states in the promotion of such education in agriculture and the trades and industries; to provide for cooperation with the states in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditure", approved February 23, 1917; and of an act of congress entitled "An act to provide for the further development of vocational education in the several states and territories," approved June 8, 1936, and the Vocational Education Act of 1946 and supplemental vocational education acts including but not limited to Public Law 88-210 and Public Law 98-524, the Carl D. Perkins vocational education act of 1984, as amended.

**NEW SECTION, Sec. 9.** The state treasurer is hereby designated and appointed custodian of all moneys received by the state from the appropriations made by the said acts of congress as provided for in section 8 of this act and is authorized to receive and to provide for the proper custody of the same and to make disbursements therefrom in the manner provided in said acts and for the purposes therein specified. The treasurer shall also, upon the order of the appropriate agency in accordance with the provisions of those state acts relating to the promotion of vocational education, pay out any moneys appropriated by the state of Washington for the purpose of carrying out the provisions thereof relating to vocational education.

**NEW SECTION, Sec. 10.** For the purposes of this chapter, vocational schools or classes may be established (1) as all day schools or classes giving instruction in vocational subjects; (2) as part time schools or classes giving instruction in vocational subjects; and (3) as evening school classes giving instruction supplemental to the daily employment.

**NEW SECTION, Sec. 11.** The state board of education may authorize the school districts to offer vocational education programs in the elementary and secondary schools and the state board of education shall adopt rules to implement such programs and shall also adopt such rules for programs authorized by RCW 28A.58.245.

**NEW SECTION, Sec. 12.** (1) Each local education agency or community college district offering vocational educational preparatory programs shall establish local advisory committees to provide that agency or district with advice on current job needs and on the courses necessary to meet these needs.

(2) The local program committees shall:

(a) Participate in the determination of program goals;

(b) Review and evaluate program curricula, equipment, and effectiveness;

(c) Include representatives of business and labor who reflect the local industry in the community; and

(d) Actively consult with other representatives of business, industry, labor, and agriculture.

**NEW SECTION, Sec. 13.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Applicant" means an educational institution which has made application for a job skills grant under RCW 28C.04.420 through 28C.04.480.

(2) "Board" means the state board for vocational education.

(3) "Business and industry" means a private corporation, institution, firm, person, group, or association concerned with commerce, trades, manufacturing, or the provision of services within the state, or a public or nonprofit hospital licensed by the department of social and health services.

(4) "Educational institution" means a public secondary or postsecondary institution or an independent institution within the state authorized by law to provide a program of skills training or education beyond the secondary school level. Any educational institution receiving a job skills grant under RCW 28C.04.420 through 28C.04.480 shall be free of sectarian control or influence as set forth in Article IX, section 4 of the state Constitution.

(5) "Equipment" means tangible personal property which will further the objectives of the supported program and for which a definite value and evidence in support of the value have been provided by the donor.

(6) "Executive director" means the executive director of the state board for vocational education.

(7) "Financial support" means any thing of value which is contributed by business and industry to an educational institution which is reasonably calculated to support directly the development and expansion of a particular program under RCW 28C.04.420 through 28C.04.480 and represents an addition to any financial support previously or customarily provided to such educational institutions by the donor. "Financial support" includes, but is not limited to, funds, equipment, facilities, faculty, and scholarships for matriculating students and trainees.

(8) "Industrial arts" and "practical arts" mean general education centered around the industrial and technical aspects of current living, offering orientation in and appreciation for production, consumption, and recreation through actual experiences with materials and goods and also providing exploratory experiences which are helpful in the choice of a vocation.

(9) "Job market area" means the geographic area for recruitment and placement of job entrants, usually determined by each industry or by a collective bargaining agreement.

(10) "Job skills grant" means funding that is provided to an educational institution by the office for the development or significant expansion of a program under RCW 28C.04.420 through 28C.04.480.

(11) "Job skills program" means a program of skills training or education separate from and in addition to existing vocational education programs and which:

(a) Provides short-term training which has been designated for specific industries;

(b) Provides training for prospective employees before a new plant opens or when existing industry expands;

(c) Includes training and retraining for workers already employed by an existing industry or business where necessary to avoid dislocation or where upgrading of existing employees would create new vacancies for unemployed persons;

(d) Serves areas with high concentrations of economically disadvantaged persons and high unemployment;

(e) Serves areas with new and growing industries;

(f) Serves areas where there is a shortage of skilled labor to meet job demands; or

(g) Promotes the location of new industry in areas affected by economic dislocation.

(12) "Occupational exploration" includes prevocational education and means a series of educational experiences designed to: (a) Assist individuals in developing their understanding of, appreciation for, aptitudes for, and abilities in recognized occupations; (b) develop an attitude of respect toward work and pride in workmanship; and (c) provide knowledge and experience to assist in the choice of an occupational program.

(13) "Postsecondary education system" means those educational courses and programs, not within the jurisdiction of the superintendent of public instruction, being offered beyond secondary education by institutions of higher education in the state of Washington which includes academic, vocational, technical or professional training traditionally leading to an associate, baccalaureate, or higher degree or a certificate of achievement.

(14) "Secondary education system" means those educational courses and programs, within the jurisdiction of the superintendent of public instruction, being offered in the common schools of the state of Washington in the grades 7 through 12, or any part thereof, which are traditionally provided for the purpose of granting a recognized certificate of completion or a high school diploma: PROVIDED, That notwithstanding the provisions of this chapter and RCW 28B.50.140(1), existing vocational-technical institutes operating within the secondary school system shall continue to function within the common school system.

(15) "State plan" or "plan" means the Washington state plan for vocational education, adopted as outlined under this chapter. This plan shall be a single comprehensive plan and shall meet the requirements of this chapter and the requirements of Public Law 98-524 as amended, and other state, federal, congressional, and administrative directives pertaining to vocational education. However, standards of, rules for, and supervision of indentured apprenticeship in the apprenticeable crafts shall continue to be governed by the director of labor and industries and the state apprenticeship council under chapter 49.04 RCW.

(16) "Technical assistance" means professional and any other assistance provided by business and industry to an educational institution, which is reasonably calculated to support directly the development and expansion of a particular program and which represents an addition to any technical assistance previously or customarily provided to the educational institutions by the donor.

(17) "Vocational education" means a planned series of learning experiences, the specific objective of which is to prepare persons to enter, continue in, or upgrade themselves in gainful employment in recognized occupations, including consumer education and homemaking, home and family life programs, and volunteer fire fighting training, which are not designated as professional or requiring a baccalaureate or higher degree.

(18) "Vocational-technical institute" means a specialized area nongraded vocational education facility established and operated for the purpose of offering comprehensive courses primarily oriented to the job market area in vocational education for persons sixteen years of age and older without regard to residence, under laws, and rules pertaining to the maintenance, operation, and capital funding of vocational-technical institutes. Service areas for common school vocational-technical institutes shall be defined specifically by the office, recognizing areas traditionally served.

**NEW SECTION.** Sec. 14. Children of any person who was a Washington domiciliary and who has been determined by the federal government to be a prisoner of war or missing in action in Southeast Asia, including Korea shall be admitted to any public vocational-technical school within the state without the necessity of paying any registration fees or tuition fees if such child meets such other educational qualifications as such vocational-technical school shall



deem reasonable and necessary under the circumstances. Affected institutions shall in their preparation of future budgets include costs resultant from such registration fee or tuition loss for reimbursement from appropriations of state funds. Applicants for free tuition shall provide institutional administrative personnel with documentation of their rights under this section.

NEW SECTION. Sec. 15. There is hereby created a state council on vocational education, hereinafter referred to as the "council," for so long as a state council is required by federal law or regulation as a condition for receipt of federal funds, consisting of not less than thirteen members appointed by the governor, without regard to the civil service laws, for terms of three years. The initial members of the council shall be the members of the state advisory council on vocational education as it existed immediately prior to the effective date of this section, who shall serve the remainder of their unexpired terms.

NEW SECTION. Sec. 16. (1) The composition and duties of the state council on vocational education shall be in accordance with federal law. As terms expire, the governor shall make an appointment necessary to fill any vacancy.

(2) The council shall meet at least four times a year at the call of the chair, who shall be selected by vote of the members.

(3) Members of the council shall receive their travel expenses while engaged in the business of the council in accordance with RCW 43.03.050 and 43.03.060.

(4) Funds necessary for the execution of the council's duties shall be provided from funds paid pursuant to Public Law 98-524 and supplementary funds as appropriated by the legislature. The council may 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 council and expend the same or any income therefrom according to the terms of the gifts, grants, or endowments.

NEW SECTION. Sec. 17. The duties of the council shall be in accordance with federal law. The council shall obtain the services of an executive director and confidential secretary to such director, both of whom shall be exempt from the provisions of chapter 41.06 RCW, and such professional, technical, and clerical personnel as may be deemed necessary to enable it to carry out its functions under this section and to contract for such services as may be necessary to enable them to carry out their evaluation functions.

NEW SECTION. Sec. 18. All reports, documents, surveys, books, records, files, papers, or written material in the possession of the commission for vocational education pertaining to the powers, functions, and duties transferred shall be delivered to the custody of the state board for vocational education, the state board for community college education, or the superintendent of public instruction, as applicable. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the commission for vocational education in carrying out the powers, functions, and duties transferred shall be made available to the applicable agencies. All funds, credits, or other assets held in connection with the powers, functions, and duties transferred shall be assigned to the applicable agencies.

Any appropriations made to the commission for vocational education for carrying out the powers, functions, and duties transferred shall, on the effective date of this section, be transferred and credited to the applicable agencies.

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. 19. Employees of the commission for vocational education, except the director and deputy director, engaged in performing the powers, functions, and duties transferred to the state board for vocational education, the state board for community college education, or the superintendent of public instruction, as applicable, are transferred to the jurisdiction of the applicable agencies in accordance with the personnel study provided in section 24 of this act. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the applicable agencies 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. 20. All rules and all pending business before the commission for vocational education pertaining to the powers, functions, and duties transferred shall be continued and acted upon by the state board for vocational education, the state board for community college education, or the superintendent of public instruction, as applicable. All existing contracts and obligations shall remain in full force and shall be performed by the applicable agencies.

NEW SECTION. Sec. 21. The transfer of the powers, duties, functions, and personnel of the commission for vocational education shall not affect the validity of any act performed by such employee prior to the effective date of this section.

NEW SECTION. Sec. 22. If apportionments of budgeted funds are required because of the transfers directed by sections 18 through 21 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. 23. Nothing contained in sections 18 through 22 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. 24. The director of financial management, in consultation with the department of personnel and the higher education personnel board, shall conduct an analysis of staffing needs and necessary personnel classifications for the state board for vocational education. Until the study is completed, the state board for vocational education shall not fill any vacancies without approval of the director of financial management. The study required under this section shall be completed no later than sixty days after the effective date of this section.

Sec. 25. Section 4, chapter 21, Laws of 1983 1st ex. sess. and RCW 28C.04.420 are each amended to read as follows:

The ~~((commission)) board~~ may, subject to appropriation from the legislature or from funds made available from any other public or private source and pursuant to rules adopted by the ~~((commission)) board~~, provide job skills grants to educational institutions. The job skills grants shall be used exclusively for programs which are consistent with the job skills program. A job skills grant may be awarded only after:

(1) Receipt of an application from an educational institution which contains a proposal for a program of skills training and education, including a description of the program, the type of skills training or education to be provided, a statement of the total cost of the program and a breakdown of the costs associated with equipment, personnel, facilities, and materials, a statement of the employment needs for the program and evidence in support thereof, demonstrates that the program does not unnecessarily duplicate existing programs in the area and is provided at a reasonable cost, a statement of the technical assistance and financial support for the program received or to be received from business and industry, and such other information as the ~~((commission)) state board for community college education~~ requests; and

(2) The ~~((commission)) state board for community college education~~, based on the application submitted by the educational institution and such additional investigation as the staff of the ~~((commission)) state board for community college education~~ shall make, finds that:

(a) The program is within the scope of the job skills program under this chapter and may reasonably be expected to succeed and thereby increase employment within the state;

(b) Provision has been made to use any available alternative funding from local, state, and federal sources;

(c) The job skills grant will only be used to cover the costs associated with the program;

(d) The program will not unnecessarily duplicate existing programs and could not be provided by another educational institution more effectively or efficiently;

(e) The program involves an area of skills training and education for which there is a demonstrable need;

(f) The applicant has made provisions for the use of existing federal and state resources for student financial assistance;

(g) The job skills grant is essential to the success of the program as the resources of the applicant are inadequate to attract the technical assistance and financial support necessary for the program from business and industry;

(h) The commitment of financial support from business and industry shall be equal to or greater than the amount of the requested job skills grant;

(i) Binding commitments have been made to the ~~((commission)) state board for community college education~~ by the applicant for adequate reporting of information and data regarding the program to the ~~((commission)) state board for community college education~~, particularly information concerning the recruitment and employment of trainees and students, and including a requirement for an annual or other periodic audit of the books of the applicant directly related to the program, and for such control on the part of the ~~((commission)) state board for community college education~~ as it considers prudent over the management of the program, so as to protect the use of public funds, including, in the discretion of the ~~((commission)) state board for community college education~~ and without limitation, right of access to financial and other records of the applicant directly related to the programs;

(j) Provision has been made by the applicant to work, in cooperation with the employment security department, to identify and screen potential trainees and that provision has been made by the applicant of persons who are victims of economic dislocation and persons from minority and economically disadvantaged groups to participate in the program; and

(k) Binding commitments have been made to the ~~((commission)) state board for community college education~~ by the applicant for compliance with the monitoring and evaluation rules of the ~~((commission)) state board for community college education~~.

Sec. 26. Section 5, chapter 21, Laws of 1983 1st ex. sess. and RCW 28C.04.430 are each amended to read as follows:

Upon approval by the board of a job skills grant application (~~by the commission; the commission~~), the board shall immediately provide notification of its decision to the employment security department and to the state board for community college education. The notification shall include the following information regarding the supported program: The trade, occupation, or profession with which the program is concerned; a description of the curriculum, the requirements for participation, and the procedures for making application; the duration of the program; a description of support services available to participants in the program; and any other information relevant to encouraging and facilitating the participation in the program of those in economic need. Grant awards shall be announced by the state board for vocational education.

Sec. 27. Section 6, chapter 21, Laws of 1983 1st ex. sess. as amended by section 40, chapter 466, Laws of 1985 and RCW 28C.04.440 are each amended to read as follows:

The department of trade and economic development or its successor (~~and~~), the employment security department, and the office of the superintendent of public instruction shall each enter into an interagency agreement with the (~~commission on vocational education~~) state board for community college education to establish cooperative working arrangements for the purposes of RCW 28C.04.410 through 28C.04.480.

Sec. 28. Section 8, chapter 21, Laws of 1983 1st ex. sess. as amended by section 41, chapter 466, Laws of 1985 and RCW 28C.04.460 are each amended to read as follows:

The department of trade and economic development or its successor shall for the purposes of RCW 28C.04.410 through 28C.04.480:

(1) Work cooperatively with the (~~commission on vocational education~~) state board for community college education to market the job skills program to business and economic development agencies and other firms;

(2) Recruit industries from outside the state to participate in the job skills training program; and

(3) Refer business and industry interested in developing a job skills training program to the (~~commission on vocational education~~) state board for community college education.

Sec. 29. Section 9, chapter 21, Laws of 1983 1st ex. sess. and RCW 28C.04.470 are each amended to read as follows:

The (~~commission~~) state board for vocational education shall annually submit a complete and detailed report of (~~the commission's~~) all activities affecting the job skills program under RCW 28C.04.410 through 28C.04.480 within ninety days after the end of the fiscal year to the chief clerk of the house of representatives, to the secretary of the senate, and to the governor. The annual report shall include, but not be limited to, descriptions of all programs funded, and evaluation of the performance of each program, a summary of the public moneys expended, and the demographic and economic characteristics of the individuals trained, educated, and employed, including, in particular, the number of minority and economically disadvantaged individuals.

Sec. 30. Section 3, chapter 267, Laws of 1984 and RCW 28C.04.530 are each amended to read as follows:

(1) The (~~commission for vocational education~~) office of the superintendent of public instruction shall have the responsibility for the development and administration of the Washington award for vocational excellence program. The (~~commission~~) office of the superintendent of public instruction shall develop the program in consultation with other state agencies and private organizations having interest and responsibility in vocational education, including but not limited to: The state board for community college education, the office of the superintendent of public instruction, a voluntary professional association of vocational educators, and representatives from business, labor, and industry.

(2) The (~~commission~~) office of the superintendent of public instruction shall establish a planning committee to develop the criteria for screening and selecting the students who will receive the award. This criteria shall include but not be limited to the following characteristics: Proficiency in their chosen fields, attendance, attitude, character, leadership, and civic contributions.

Sec. 31. Section 4, chapter 267, Laws of 1984 and RCW 28C.04.535 are each amended to read as follows:

The Washington award for vocational excellence shall be granted annually. The (~~commission~~) state board for vocational education shall notify the students receiving the award, their vocational instructors, local chambers of commerce, the legislators of their respective districts, and the governor, after final selections have been made. The (~~commission~~) board, in conjunction with the governor's office, shall prepare appropriate certificates to be presented to the selected students. Awards shall be presented in public ceremonies at times and places determined by the (~~commission~~) board in cooperation with the office of the governor.

Sec. 32. Section 5, chapter 267, Laws of 1984 and RCW 28C.04.540 are each amended to read as follows:

The (~~commission~~) office of the superintendent of public instruction may accept any and all donations, grants, bequests, and devices, conditional or otherwise, or money, property, service, or other things of value which may be received from any federal, state, or local agency,

any institution, person, firm, or corporation, public and private, to be held, used, or applied for the purposes of the Washington award for vocational excellence program. The ~~((commission))~~ office of the superintendent of public instruction shall encourage maximum participation from business, labor, and community groups. The ~~((commission))~~ office of the superintendent of public instruction shall also coordinate, where feasible, the contribution activities of the various participants.

~~((The commission shall not make expenditures from funds collected under this section until February 15, 1985.))~~

Sec. 33. Section 8, chapter 267, Laws of 1984 and RCW 28C.04.550 are each amended to read as follows:

~~((The Washington award for vocational excellence shall be effective commencing with the 1984-85 academic year. The commission for vocational education shall report on the program to the legislature and to the governor by January 15, 1985. The report shall include a description of the program, a copy of any rules implementing the program, a list of the participants, and the commission's recommendations for any additional statutory changes needed to improve the program.))~~

~~Thereafter, the commission))~~ The state board for vocational education shall report on the results and effectiveness of ~~((this award))~~ the Washington award for vocational excellence program to the legislature and the governor on or before January 15 of each odd-numbered year. The ~~((1987))~~ 1989 report shall include an evaluation of the effects of expanding the tuition and fee waiver period from one to two years.

Sec. 34. Section 2, chapter 299, Laws of 1986 and RCW 28C.10.020 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Agency" means the ~~((commission for vocational education or its successor))~~ state board for vocational education.

(2) "Agent" means a person owning an interest in, employed by, or representing for remuneration a private vocational school within or without this state, who enrolls or personally attempts to secure the enrollment in a private vocational school of a resident of this state, offers to award educational credentials for remuneration on behalf of a private vocational school, or holds himself or herself out to residents of this state as representing a private vocational school for any of these purposes.

(3) "Degree" means any designation, appellation, letters, or words including but not limited to "associate," "bachelor," "master," "doctor," or "fellow" which signify or purport to signify satisfactory completion of an academic program of study beyond the secondary school level.

(4) "Education" includes but is not limited to, any class, course, or program of training, instruction, or study.

(5) "Educational credentials" means degrees, diplomas, certificates, transcripts, reports, documents, or letters of designation, marks, appellations, series of letters, numbers, or words which signify or appear to signify enrollment, attendance, progress, or satisfactory completion of the requirements or prerequisites for any educational program.

(6) "Entity" includes, but is not limited to, a person, company, firm, society, association, partnership, corporation, or trust.

(7) "Private vocational school" means any entity offering postsecondary education in any form or manner for the purpose of instructing, training, or preparing persons for any vocation or profession.

(8) "To grant" includes to award, issue, sell, confer, bestow, or give.

(9) "To offer" includes, in addition to its usual meanings, to advertise or publicize. "To offer" also means to solicit or encourage any person, directly or indirectly, to perform the act described.

(10) "To operate" means to establish, keep, or maintain any facility or location where, from, or through which education is offered or educational credentials are offered or granted to residents of this state, and includes contracting for the performance of any such act.

Sec. 35. Section 7, chapter 175, Laws of 1973 1st ex. sess. as last amended by section 1, chapter 465, Laws of 1985 and RCW 18.106.070 are each amended to read as follows:

(1) The department shall issue a certificate of competency to all applicants who have passed the examination and have paid the fee for the certificate. The certificate shall bear the date of issuance, and shall expire on the birthdate of the holder immediately following the date of issuance. The certificate shall be renewable every other year, upon application, on or before the birthdate of the holder. A renewal fee shall be assessed for each certificate. If a person fails to renew the certificate by the renewal date, he or she must pay a doubled fee. If the person does not renew the certificate within ninety days of the renewal date, he or she must retake the examination and pay the examination fee.

The certificate of competency and the temporary permit provided for in this chapter grant the holder the right to engage in the work of plumbing as a journeyman plumber or specialty plumber in accordance with their provisions throughout the state and within any of its political subdivisions on any job or any employment without additional proof of competency or any

other license or permit or fee to engage in the work. This section does not preclude employees from adhering to a union security clause in any employment where such a requirement exists.

(2) A person who is indentured in an apprenticeship program approved under chapter 49.04 RCW for the plumbing construction trade or who is learning the plumbing construction trade may work in the plumbing construction trade if supervised by a certified journeyman plumber or a certified specialty plumber in that plumber's specialty. All apprentices and individuals learning the plumbing construction trade shall obtain a plumbing training certificate from the department. The certificate shall authorize the holder to learn the plumbing construction trade while under the direct supervision of a journeyman plumber or a specialty plumber working in his or her specialty. The holder of the plumbing training certificate shall renew the certificate annually. At the time of renewal, the holder shall provide the department with an accurate list of the holder's employers in the plumbing construction industry for the previous year and the number of hours worked for each employer. An annual fee shall be charged for the issuance or renewal of the certificate. The department shall set the fee by rule. The fee shall cover but not exceed the cost of administering and enforcing the trainee certification and supervision requirements of this chapter. Apprentices and individuals learning the plumbing construction trade shall have their plumbing training certificates in their possession at all times that they are performing plumbing work. They shall show their certificates to an authorized representative of the department at the representative's request.

(3) Any person who has been issued a plumbing training certificate under this chapter may work if that person is under supervision. Supervision shall consist of a person being on the same job site and under the control of either a journeyman plumber or an appropriate specialty plumber who has an applicable certificate of competency issued under this chapter. Either a journeyman plumber or an appropriate specialty plumber shall be on the same job site as the noncertified individual for a minimum of seventy-five percent of each working day unless otherwise provided in this chapter. The ratio of noncertified individuals to certified journeymen or specialty plumbers working on a job site shall be: (a) From July 28, 1985, through June 30, 1988, not more than three noncertified plumbers working on any one job site for every certified journeyman or specialty plumber; (b) effective July 1, 1988, not more than two noncertified plumbers working on any one job site for every certified specialty plumber or journeyman plumber working as a specialty plumber; and (c) effective July 1, 1988, not more than one noncertified plumber working on any one job site for every certified journeyman plumber working as a journeyman plumber.

An individual who has a current training certificate and who has successfully completed or is currently enrolled in an approved apprenticeship program or in a technical school program in the plumbing construction trade in a school approved by the (~~commission for vocational education~~) appropriate joint apprenticeship training committee, may work without direct on-site supervision during the last six months of meeting the practical experience requirements of this chapter.

Sec. 36. Section 2, chapter 30, chapter 1980 as amended by section 13, chapter 206, Laws of 1983 and RCW 19.28.510 are each amended to read as follows:

(1) No person may engage in the electrical construction trade without having a current journeyman electrician certificate of competency or a current specialty electrician certificate of competency issued by the department in accordance with this chapter. Electrician certificate of competency specialties include, but are not limited to: Residential, domestic appliances, pump and irrigation, limited energy system, signs, and nonresidential maintenance.

(2) A person who is indentured in an apprenticeship program approved under chapter 49.04 RCW for the electrical construction trade or who is learning the electrical construction trade may work in the electrical construction trade if supervised by a certified journeyman electrician or a certified specialty electrician in that electrician's specialty. All apprentices and individuals learning the electrical construction trade shall obtain an electrical training certificate from the department. The certificate shall authorize the holder to learn the electrical construction trade while under the direct supervision of a journeyman electrician or a specialty electrician working in his or her specialty. The holder of the electrical training certificate shall renew the certificate annually. At the time of renewal, the holder shall provide the department with an accurate list of the holder's employers in the electrical construction industry for the previous year and the number of hours worked for each employer. An annual fee shall be charged for the issuance or renewal of the certificate. The department shall set the fee by rule. The fee shall cover but not exceed the cost of administering and enforcing the trainee certification and supervision requirements of this chapter. Apprentices and individuals learning the electrical construction trade shall have their electrical training certificates in their possession at all times that they are performing electrical work. They shall show their certificates to an authorized representative of the department at the representative's request.

(3) Any person who has been issued an electrical training certificate under this chapter may work if that person is under supervision. Supervision shall consist of a person being on the same job site and under the control of either a journeyman electrician or an appropriate specialty electrician who has an applicable certificate of competency issued under this chapter. Either a journeyman electrician or an appropriate specialty electrician shall be on the same

job site as the noncertified individual for a minimum of seventy-five percent of each working day unless otherwise provided in this chapter. The ratio of noncertified individuals to certified journeymen or specialty electricians working on a job site shall be:

(a) From September 1, 1979, through December 31, 1982, not more than three noncertified electricians working on any one job site for every certified journeyman or specialty electrician;

(b) Effective January 1, 1983, not more than two noncertified individuals working on any one job site for every specialty electrician or journeyman electrician working as a specialty electrician;

(c) Effective January 1, 1983, not more than one noncertified individual working on any one job site for every certified journeyman electrician.

The ratio requirements do not apply to a trade school program in the electrical construction trade established during 1946.

An individual who has a current training certificate and who has successfully completed or is currently enrolled in an approved apprenticeship program or in a technical school program in the electrical construction trade in a school approved by the (~~commission for vocational education~~) appropriate joint apprenticeship training committee, may work without direct on-site supervision during the last six months of meeting the practical experience requirements of this chapter.

Sec. 37, Section 4, chapter 30, Laws of 1980 as amended by section 14, chapter 206, Laws of 1983 and RCW 19.28.530 are each amended to read as follows:

(1) Upon receipt of the application, the department shall review the application and determine whether the applicant is eligible to take an examination for the journeyman or specialty certificate of competency. To be eligible to take the examination for a journeyman certificate the applicant must have worked in the electrical construction trade for a minimum of four years employed full time, of which two years shall be in industrial or commercial electrical installation under the supervision of a journeyman electrician certified under this chapter and not more than a total of two years in all specialties under the supervision of a journeyman electrician certified under this chapter or an appropriate specialty electrician certified under this chapter or have successfully completed an apprenticeship program approved under chapter 49.04 RCW for the electrical construction trade. To be eligible to take the examination to become a specialty electrician the applicant shall have worked in that specialty of the electrical construction trade, under the supervision of a journeyman electrician certified under this chapter or an appropriate specialty electrician certified under this chapter, for a minimum of two years employed full time, or have successfully completed an approved apprenticeship program under chapter 49.04 RCW for the applicant's specialty in the electrical construction trade. Before January 1, 1984, applicants for nonresidential maintenance specialty licenses are eligible to become nonresidential maintenance specialists upon certification to the department that they have the equivalent of two years full-time experience in that specialty field. Persons applying before January 1, 1984, for a journeyman certificate are eligible to take the examination to become journeymen until July 1, 1984, upon certification to the department that they have the equivalent of five years full-time experience in nonresidential maintenance, of which two years shall be in industrial electrical installation. Any applicant who has successfully completed a two-year technical school program in the electrical construction trade in a school that is approved by the (~~commission for vocational education~~) appropriate joint apprenticeship training committee may substitute up to two years of the technical school program for two years of work experience under a journeyman electrician. The applicant shall obtain the additional two years of work experience required in industrial or commercial electrical installation prior to the beginning, or after the completion, of the technical school program. Any applicant who has received training in the electrical construction trade in the armed service of the United States may be eligible to take the examination for the certificate of competency. Any applicant who is a graduate of a trade school program in the electrical construction trade that was established during 1946 is eligible to take the examination for the certificate of competency. No other requirement for eligibility may be imposed.

(2) The department shall establish reasonable rules for the examinations to be given applicants for certificates of competency. In establishing the rules, the department shall consult with the board of electrical examiners. Upon determination that the applicant is eligible to take the examination, the department shall so notify the applicant, indicating the time and place for taking the examination.

Sec. 38, Section 14, chapter 370, Laws of 1985 and RCW 28B.80.430 are each amended to read as follows:

The board shall employ a director and may delegate agency management to the director. The director shall serve at the pleasure of the board, shall be the executive officer of the board, and shall, under the board's supervision, administer the provisions of this chapter. The executive director shall, with the approval of the board: (1) Employ necessary deputy and assistant directors and other exempt staff under chapter 28B.16 RCW who shall serve at his or her pleasure on such terms and conditions as he or she determines and (2) subject to the provisions of chapter 28B.16 RCW, appoint and employ such other employees as may be required for the proper discharge of the functions of the board. The executive director shall exercise

such additional powers, other than rulemaking, as may be delegated by the board by resolution. In fulfilling the duties under this chapter, the board shall make extensive use of those state agencies with responsibility for implementing and supporting postsecondary education plans and policies including but not limited to appropriate legislative groups, the postsecondary education institutions, the office of financial management, the ~~((commission for vocational education))~~ state board for vocational education, and the state board for community college education. Outside consulting and service agencies may also be employed. The board may compensate these groups and consultants in appropriate ways.

Sec. 39. 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))~~ state board 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. 40. Section 3, chapter 43, Laws of 1982 as last amended by section 66, chapter 466, Laws of 1985 and RCW 50.38.030 are each amended to read as follows:

The employment security department shall consult with the following agencies prior to the issuance of the state occupational forecast:

- (1) Office of financial management;
- (2) Department of trade and economic development;
- (3) Department of labor and industries;
- (4) State board for community college education;
- (5) Superintendent of public instruction;
- (6) Department of social and health services;
- (7) Department of community development;
- (8) ~~((Commission))~~ State board for vocational education; and
- (9) Other state and local agencies as deemed appropriate by the commissioner of the employment security department.

These agencies shall cooperate with the employment security department, submitting information relevant to the generation of occupational forecasts.

Sec. 41. Section 3, chapter 77, Laws of 1969 ex. sess. as amended by section 2, chapter 224, Laws of 1975 1st ex. sess. and RCW 51.08.012 are each amended to read as follows:

For the purposes of this title, "accredited school" means a school or course of instruction which is:

(1) Approved by the state superintendent of public instruction, the state board of education, or the state board for community college education~~((or the state division of vocational education of the coordinating council for occupational education))~~; or

(2) Regulated or licensed as to course content by any agency of the state or under any occupational licensing act of the state, or recognized by the apprenticeship council under an agreement registered with the apprenticeship council pursuant to chapter 49.04 RCW.

Sec. 42. Section 4, chapter 179, Laws of 1969 ex. sess. and RCW 70.100.040 are each amended to read as follows:

The superintendent of public instruction, after consulting with the department of labor and industries, ~~((and the division of vocational education))~~ shall prepare and circulate to each public and private educational institution in this state ~~((within six months of the date of passage of this chapter)), and update when necessary,~~ a manual containing instructions and recommendations for the guidance of such institutions in implementing the eye safety provisions of this chapter.

Sec. 43. Section 1, chapter 231, Laws of 1941 as last amended by section 97, chapter 287, Laws of 1984 and RCW 49.04.010 are each amended to read as follows:

The director of labor and industries shall appoint an apprenticeship council, composed of three representatives each from employer and employee organizations, respectively. The terms of office of the members of the apprenticeship council first appointed by the director of labor and industries shall be as follows: One representative each of employers and employees shall be appointed for one year, two years, and three years, respectively. Thereafter, each member shall be appointed for a term of three years. The governor shall appoint a public member to the apprenticeship council for a three-year term. The appointment of the public member is subject to confirmation by the senate. Each member shall hold office until his successor is appointed and has qualified and any vacancy shall be filled by appointment for the unexpired portion of the term. The state official who has been designated by the ~~((commission for vocational education))~~ superintendent of public instruction as being in charge of trade and industrial education and the state official who has immediate charge of the state public employment service shall ex officio be members of said council, without vote. Each member of the council, not otherwise compensated by public moneys, shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060 and shall be compensated in accordance with RCW 43.03.240. The apprenticeship council with the consent of employee and employer groups shall: (1) Establish standards for apprenticeship agreements in conformity with the provisions of this chapter; (2) issue such rules and regulations as may be necessary to carry out the intent and purposes of this chapter, including a procedure to resolve an impasse should a tie vote of the council occur; and (3) perform such other duties as are hereinafter imposed. Not less than once a year the apprenticeship council shall make a report to the director of labor and industries of its activities and findings which shall be available to the public.

Sec. 44. Section 2, chapter 231, Laws of 1941 as last amended by section 2, chapter 37, Laws of 1979 ex. sess. and RCW 49.04.030 are each amended to read as follows:

Subject to the confirmation of the state apprenticeship council by a majority vote, the director of labor and industries shall appoint and deputize an assistant director to be known as the supervisor of apprenticeship. Under the supervision of the director of labor and industries and with the advice and guidance of the apprenticeship council, the supervisor shall: (1) Encourage and promote the making of apprenticeship agreements conforming to the standards established by or in accordance with this chapter, and in harmony with the policies of the United States department of labor; (2) act as secretary of the apprenticeship council and of state joint apprenticeship committees; (3) when so authorized by the apprenticeship council, register such apprenticeship agreements as are in the best interests of the apprentice and conform to the standards established by or in accordance with this chapter; (4) keep a record of apprenticeship agreements and upon performance thereof issue certificates of completion of apprenticeship; (5) terminate or cancel any apprenticeship agreements in accordance with the provisions of such agreements; and who (6) may act to bring about the settlement of differences arising out of the apprenticeship agreement where such differences cannot be adjusted locally or in accordance with the established trade procedure.

Related and supplemental instruction for apprentices, coordination of instruction with job experiences, and the selection and training of teachers and coordinators for such instruction shall be the responsibility of the ~~((commission for vocational education and its))~~ superintendent of public instruction and the local recognized ~~((agency))~~ agencies for vocational education. The director of labor and industries is authorized to appoint such other personnel as may be necessary to aid the apprenticeship council and the supervisor of apprenticeship in the execution of their functions under this chapter.

**NEW SECTION.** Sec. 45. Section 2, chapter 21, Laws of 1983 1st ex. sess. and RCW 28C.04.410 are each repealed.

Sec. 46. Section 43, chapter 197, Laws of 1983 and RCW 43.131.288 are each amended to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1987:

- (1) Section 1, chapter 174, Laws of 1975 1st ex. sess. and RCW 28C.04.010;
- (2) Section 2, chapter 174, Laws of 1975 1st ex. sess. and RCW 28C.04.020;
- (3) Section 3, chapter 285, Laws of 1971 ex. sess. and RCW 28C.04.025;
- (4) Section 4, chapter 285, Laws of 1971 ex. sess., section 13, chapter 174, Laws of 1975 1st ex. sess. and RCW 28C.04.026;



- (5) Section 3, chapter 174, Laws of 1975 1st ex. sess. and RCW 28C.04.030;  
 (6) Section 4, chapter 174, Laws of 1975 1st ex. sess., section 3, chapter 21, Laws of 1983 1st ex. sess., section 89, chapter 370, Laws of 1985, section 78, chapter 266, Laws of 1986 and RCW 28C.04.040;  
 (7) Section 5, chapter 174, Laws of 1975 1st ex. sess. and RCW 28C.04.050;  
 (8) Section 6, chapter 174, Laws of 1975 1st ex. sess. and RCW 28C.04.060;  
 (9) Section 8, chapter 174, Laws of 1975 1st ex. sess., section 79, chapter 34, Laws of 1975-'76 2nd ex. sess., section 66, chapter 287, Laws of 1984 and RCW 28C.04.070;  
 (10) Section 10, chapter 174, Laws of 1975 1st ex. sess. and RCW 28C.04.080;  
 (11) Section 28B.50.230, chapter 223, Laws of 1969 ex. sess., section 14, chapter 174, Laws of 1975 1st ex. sess. and RCW 28C.04.090;  
 (12) ~~((Section 1, chapter 98, Laws of 1969 ex. sess. and RCW 28C.04.140;~~  
~~((3))~~ Section 7, chapter 174, Laws of 1975 1st ex. sess. and RCW 28C.04.150;  
~~((4))~~ (13) Section 11, chapter 174, Laws of 1975 1st ex. sess. and RCW 28C.04.160;  
~~((5))~~ (14) Section 28A.09.070, chapter 223, Laws of 1969 ex. sess. and RCW 28C.04.200;  
~~((6))~~ (15) Section 28A.09.080, chapter 223, Laws of 1969 ex. sess. and RCW 28C.04.210;  
~~((7))~~ (16) Section 28A.09.090, chapter 223, Laws of 1969 ex. sess. and RCW 28C.04.220;  
~~((8))~~ (17) 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;  
~~((9))~~ (18) Section 1, chapter 17, Laws of 1972 ex. sess., section 1, chapter 63, Laws of 1973 and RCW 28C.04.240;  
~~((20))~~ (19) Section 52, chapter 283, Laws of 1969 ex. sess., section 76, chapter 34, Laws of 1975-'76 2nd ex. sess., section 67, chapter 287, Laws of 1984 and RCW 28C.04.300;  
~~((21))~~ (20) Section 53, chapter 283, Laws of 1969 ex. sess., section 16, chapter 174, Laws of 1975 1st ex. sess. and RCW 28C.04.310;  
~~((22))~~ (21) Section 9, chapter 174, Laws of 1975 1st ex. sess. and RCW 28C.04.500;  
~~((23))~~ (22) Section 12, chapter 174, Laws of 1975 1st ex. sess., section 1, chapter 86, Laws of 1975-'76 2nd ex. sess., section 23, chapter 151, Laws of 1979, section 90, chapter 370, Laws of 1985 and RCW 28C.04.510;  
~~((24))~~ (23) Section 1, chapter 349, Laws of 1977 ex. sess., section 12, chapter 470, Laws of 1985, section 62, chapter 266, Laws of 1986 and RCW 28C.50.010;  
~~((25))~~ (24) Section 2, chapter 349, Laws of 1977 ex. sess. and RCW 28C.50.020;  
~~((26))~~ (25) Section 3, chapter 349, Laws of 1977 ex. sess. and RCW 28C.50.030;  
~~((27))~~ (26) Section 4, chapter 349, Laws of 1977 ex. sess., section 19, chapter 57, Laws of 1985 and RCW 28C.50.040;  
~~((28))~~ (27) Section 5, chapter 349, Laws of 1977 ex. sess., section 13, chapter 470, Laws of 1985, section 63, chapter 266, Laws of 1986 and RCW 28C.50.050;  
~~((29))~~ (28) Section 6, chapter 349, Laws of 1977 ex. sess. and RCW 28C.50.060;  
~~((30))~~ (29) Section 8, chapter 349, Laws of 1977 ex. sess. and RCW 28C.50.900;  
~~((31))~~ (30) Section 1, chapter 225, Laws of 1979 ex. sess., section 1, chapter 48, Laws of 1982 1st ex. sess., section 14, chapter 470, Laws of 1985, section 64, chapter 266, Laws of 1986 and RCW 28C.51.010;  
~~((32))~~ (31) Section 2, chapter 225, Laws of 1979 ex. sess. and RCW 28C.51.020;  
~~((33))~~ (32) Section 3, chapter 225, Laws of 1979 ex. sess. and RCW 28C.51.030;  
~~((34))~~ (33) Section 4, chapter 225, Laws of 1979 ex. sess. and RCW 28C.51.040;  
~~((35))~~ (34) Section 5, chapter 225, Laws of 1979 ex. sess., section 15, chapter 470, Laws of 1985, section 65, chapter 266, Laws of 1986 and RCW 28C.51.050; and  
~~((36))~~ (35) Section 6, chapter 225, Laws of 1979 ex. sess. and RCW 28C.51.060.  
**NEW SECTION.** Sec. 47. 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. 48. Sections 1 through 17 of this act are each added to chapter 28C.04 RCW.  
**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 July 1, 1987."

On motion of Senator Gaspard, the following title amendment was adopted:

On page 1, line 2 of the title, after "services;" strike the remainder of the title and insert "amending RCW 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, 28B.80.430, 43.03.028, 50.38.030, 51.08.012, 70.100.040, 49.04.010, 49.04.030, and 43.131.288; adding new sections to chapter 28C.04 RCW; creating new sections; repealing RCW 28C.04.410; providing an effective date; and declaring an emergency."

## MOTION

Senator Gaspard moved that the rules be suspended and Engrossed Substitute House Bill No. 451, as amended by the Senate, be advanced to third reading, the second reading considered the third, and the bill be placed on final passage.

## PARLIAMENTARY INQUIRY

Senator Tanner: "Mr. President, I had an amendment on the bar on page 13, line 35, that I did not get a chance to move."

## REPLY BY THE PRESIDENT

President Cherberg: "Senator Tanner, Senator Gaspard moved to not adopt the committee amendment and that motion carried. Your amendment was directed to the committee amendment that was knocked out."

The President declared the question before the Senate to be the motion by Senator Gaspard to advance Engrossed Substitute House Bill No. 451, as amended by the Senate, to third reading and final passage.

The motion by Senator Gaspard carried and Engrossed Substitute House Bill No. 451, as amended by the Senate, was advanced to third reading and final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 451, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 451, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; nays, 5; absent, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hayner, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Peterson, Pullen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Zimmerman - 43.

Voting nay: Senators Bottiger, Johnson, Patterson, Rasmussen, Wojahn - 5.

Absent: Senator Hansen - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 451, 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.

There being no objection, the Senate resumed consideration of Substitute House Bill No. 400, deferred April 15, 1987.

## MOTION

Senator Vognild moved that the following amendment by Senators Metcalf and Tanner be adopted:

On page 11, after line 18, insert the following:

"Sec. 5. Section 51.32.160, chapter 23, Laws of 1961 as last amended by section 4, chapter 59, Laws of 1986 and RCW 51.32.160 are each amended to read as follows:

(1) If aggravation, diminution, or termination of disability takes place or ~~((be))~~ is discovered after the rate of compensation ~~((shall have))~~ has been established or compensation terminated, in any case the director, through ~~((and by means of))~~ the division of industrial insurance, may, upon the application of the beneficiary, made within ~~((seven years after the establishment or termination of such compensation, or upon his own motion))~~ five years from the date the first closing order becomes final, readjust for further application the rate of compensation in accordance with the rules in this section provided for the same, or in a proper case terminate the payment: PROVIDED, That the time limitation of this ~~((section))~~ subsection shall be ten years in claims involving loss of vision or function of the eyes.

(2) If compensation has been readjusted within the five-year period as provided in subsection (1) of this section, then within five years after the order first readjusting the compensation has become final, the director may, upon application of the beneficiary, again readjust the rate of compensation or, in a proper case, terminate the payment.

(3) The director may, at any time, upon his or her own motion, make the readjustments provided in this section.

(4) If a worker receiving a pension for total disability returns to gainful employment for wages, the director may suspend or terminate the rate of compensation established for the

disability without producing medical evidence that shows that a diminution of the disability has occurred.

(5) No act done or ordered to be done by the director, or the department prior to the signing and filing in the matter of a written order for such readjustment shall be ground for such readjustment."

Renumber the remaining sections consecutively

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senators Metcalf and Tanner.

The motion by Senator Vognild carried and the amendment was adopted.

#### MOTION

On motion of Senator Tanner, the following amendment was adopted:

On page 17, after line 16, insert the following:

NEW SECTION, Sec. 10. A new section is added to chapter 51.32 RCW to read as follows: Notwithstanding RCW 51.32.040, whenever, pursuant to a collective bargaining agreement, a self-insured employer pays a worker or his or her beneficiaries disability benefits from a sickness and accident fund maintained by the employer, and it is subsequently determined that the worker or beneficiary is entitled to those benefits under this title, the employer may withhold amounts from benefits payable under this title sufficient to reimburse its sickness and accident fund for payments made to the worker or beneficiary from such fund; PROVIDED, That the reimbursement is authorized by the collective bargaining agreement."

#### MOTION

On motion of Senator Vognild, further consideration of Substitute House Bill No. 400 was deferred.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 692, by Committee on Judiciary (originally sponsored by Representatives Niemi, Locke, Jacobsen, Leonard, Sanders, P. King, May, Brough, L. Smith and Sprengle)

Changing opium dens to houses where controlled substances are made or used in moral nuisance statute.

The bill was read the second time.

#### MOTIONS

Senator Talmadge moved that the following Committee on Judiciary amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. 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. 2. Any complaint filed under this chapter shall be verified or accompanied by affidavit.

NEW SECTION, Sec. 3. 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. 4. 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. 5. 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. 6. (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. 7. 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 11 of this act. The lien is enforceable and collectible by execution issued by order of the court.

**NEW SECTION.** Sec. 8. 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. 9. 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. 10. 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. 11. (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) of this section.

**NEW SECTION.** Sec. 12. 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. 13. The abatement of a nuisance under this chapter does not prejudice the right of any person to recover damages for its past existence.

**NEW SECTION.** Sec. 14. Sections 1 through 13 of this act shall constitute a new chapter in Title 69 RCW."

On motion of Senator Talmadge, the following amendment by Senators Talmadge, Nelson, Newhouse and Halsan to the Committee on Judiciary amendment was adopted:

On page 6, after line 33 of the amendment, insert the following:

"Sec. 15. 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 nonappealable 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."

#### MOTION

Senator Talmadge moved that the following amendment to the Committee on Judiciary amendment be adopted:

On page 6, after line 33 of the amendment, insert the following:

"Sec. 15. 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, may be recorded with the consent of one party to the conversation.

(3) Notwithstanding subsection (1) of this section, communications or conversations 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 transmitted in accordance with section 17 of this 1987 act with the consent of one party to the conversation.

(4) 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))~~ (5) 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. 16. 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.

NEW SECTION. Sec. 17. A new section is added to chapter 9.73 RCW to read as follows:

The exception provided for in RCW 9.73.030(3) is subject to the following restriction:

Before a conversation or communication is transmitted, a law enforcement agency director or his or her designee above the rank of first line supervisor shall complete a written authorization showing: (1) The date and time the authorization is given; (2) the persons, including the consenting party, expected to participate in the conversation or communication, if known; (3) the expected date, location, and approximate time of the conversation or communication; and (4) that a reasonable suspicion exists that a crime identified in RCW 9.73.030(3) was, is being, or is about to be committed by a party expected to participate in the conversation or communication.

Sec. 18. 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 section 17 of this 1987 act shall be guilty of a gross misdemeanor.

NEW SECTION. Sec. 19. 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, transmission, 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. 20. Section 3, chapter 93, Laws of 1967 ex. sess. and RCW 9.73.050 are each repealed.

NEW SECTION. Sec. 21. 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."

Debate ensued.

#### POINT OF ORDER

Senator Williams: "Mr. President, I would like to raise the issue of scope and object on the amendment. As the chairman indicated, the underlying bill basically deals with civil or moral nuisances and our statutes relating to that. The amendment expands the scope and object by delving into the privacy act statutes and introduces the subject of electronic surveillance. I think that substantially enlarges the scope and object of the bill."

Further debate ensued.

#### PARLIAMENTARY INQUIRY

Senator Pullen: "Mr. President, a point of parliamentary inquiry. Did Senator Williams challenge scope and object on the amendment to the amendment or was it on the amendment, as amended?"

#### REPLY BY THE PRESIDENT

President Cherberg: "The President understood it to be the amendment to the amendment."

Senator Pullen: "In looking over the bill and in looking over both the amendment to the amendment and the amendment, they do appear to be out of scope

and object to me. But, I guess I am looking at Rule No. 65, which says 'no amendment to any bill shall be allowed which shall change the scope and object of the bill.' Senator Williams has raised the point of order on the amendment to the amendment and that, of course, is not an amendment to the bill. This raises certain questions. In other words, does his particular scope and object question, is it taking the whole amendment, as amended, up to this point with it, if it should be ruled on scope and object? I think those are some questions that need to be resolved."

President Cherberg: "The President assures you it will only be the amendment to the amendment. If scope and object is ruled in the affirmative, it would be that amendment."

Senator Pullen: "Then, if Senator Williams' point of order should not be well taken and Senator Talmadge's amendment to the amendment should be ruled not out of scope and object, would Senator Williams then be in order to challenge the entire amendment, as amended, with regard to scope and object when it comes time to vote on that particular issue?"

President Cherberg: "It is possible. It would be his privilege to try."

Further debate ensued.

#### MOTION

On motion of Senator Vognild, further consideration of Substitute House Bill No. 692 was deferred.

There being no objection, the Senate resumed consideration of Substitute House Bill No. 400, deferred earlier today.

#### MOTION

Senator Tanner moved that the following amendment be adopted:

On page 17, after line 16, insert the following:

"Sec. 10. 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. 11. 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."

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Tanner.

The motion by Senator Tanner carried and the amendment was adopted.

#### MOTIONS

On motion of Senator Warnke, the following title amendments were considered simultaneously and adopted:

On page 1, line 2, after ".090," insert "51.32.160."

On page 1, line 4 of the title, after "51.32.090;" insert "adding a new section to chapter 51.32 RCW;"

On page 1, line 4 of the title, after "51.32.090;" insert "amending RCW 51.32.110; and adding a new section to chapter 51.32 RCW."

On motion of Senator Warnke the rules were suspended, Substitute House Bill No. 400, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 400, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 400, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 41; nays, 8.

Voting yea: Senators Anderson, Bailey, Bauer, Bender, Benitz, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, Metcalfe, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Rasmussen, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 41.

Voting nay: Senators Barr, Bluechel, Bottiger, Craswell, Hansen, McDermott, Pullen, Rinehart - 8.

SUBSTITUTE HOUSE BILL NO. 400, 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.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 877, by Committee on Judiciary (originally sponsored 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.

## MOTIONS

On motion of Senator Talmadge, the following Committee on Judiciary amendments were considered simultaneously and adopted:

On page 1, line 12, after "RCW 19.52.010" insert ", 82.32.060"

On page 2, line 13, after "judgment" insert ", other than judgments entered pursuant to RCW 82.32.060."

Senator Newhouse moved that the following amendment by Senators Newhouse and Owen be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 4, chapter 136, Laws of 1895 as last amended by section 1, chapter 147, Laws of 1983 and RCW 4.56.110 are each amended to read as follows:

Interest on judgments shall accrue as follows:

(1) Judgments founded on written contracts, providing for the payment of interest until paid at a specified rate, shall bear interest at the rate specified in the contracts: PROVIDED, That said interest rate is set forth in the judgment.

(2) Except as provided under subsection (1) of this section, judgments shall bear interest from the date of entry at the ~~((maximum))~~ treasury rate ~~((permitted under RCW 19.52.020))~~ on the date of entry thereof: PROVIDED, That in any case where a court is directed on review to enter judgment on a verdict or in any case where a judgment entered on a verdict is wholly or partly affirmed on review, interest on the judgment or on that portion of the judgment affirmed shall date back to and shall accrue from the date the verdict was rendered.

(3) In addition to the interest allowed under subsection (2) of this section, the court shall add prejudgment interest to any portion of a judgment constituting past economic damages. Prejudgment interest shall accrue from the date that the cause of action was filed or the date any past economic damage was actually incurred, whichever date is later, to the date of entry of judgment. The rate of interest shall be the treasury rate on the date of filing. Prejudgment interest under this subsection shall not be applied as follows:

(a) If any portion of an amount represented by a judgment is paid to a judgment creditor prior to the entry of the judgment, then prejudgment interest shall accrue on that paid portion of the judgment from the date the cause of action was filed or the date any past economic damage was actually incurred, whichever date is later, to the date of payment;

(b) If 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; and

(c) If interest on a judgment is calculated under RCW 19.52.010 or 82.32.060, prejudgment interest shall not be applied.

(4) For the purposes of this section: (a) "Treasury rate" means 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 date of entry of the judgment; and (b) "economic damages" shall be as defined in RCW 4.56.250.

NEW SECTION. Sec. 2. A new section is added to chapter 4.56 RCW to read as follows:

An attorney shall not receive as compensation any portion of the interest awarded pursuant to RCW 4.56.110(3).

NEW SECTION. Sec. 3. Section 1 of this act applies to any judgment entered after November 1, 1987."

## MOTION

Senator Talmadge moved that the following amendment to the amendment be adopted:

On page 1, line 23, after "at the" strike everything through "applied," on page 2, line 36 of the amendment and insert "maximum rate permitted under RCW 19.52.020 on the date of entry thereof: PROVIDED, That in any case where a court is directed on review to enter judgment on a verdict or in any case where a judgment entered on a verdict is wholly or partly affirmed on review, interest on the judgment or on that portion of the judgment affirmed shall date back to and shall accrue from the date the verdict was rendered.

(3) In addition to the interest allowed under subsection (2) of this section, the court shall add prejudgment interest to a judgment. Prejudgment interest shall accrue from the date that the cause of action was filed or the date the damage was actually incurred, whichever date is later, to the date of entry of judgment. The rate of interest shall be the treasury rate on the date of filing. Prejudgment interest under this subsection shall not be applied as follows:

(a) If any portion of an amount represented by a judgment is paid to a judgment creditor prior to the entry of the judgment, then prejudgment interest shall accrue on that paid portion of the judgment from the date the cause of action was filed or the date any such portion was actually incurred, whichever date is later, to the date of payment;

(b) If 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;

(c) If any portion of a judgment is found to be future damages, then no prejudgment interest shall accrue on that portion of the judgment;

(d) If 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; and

(e) If prejudgment interest on a portion of a judgment is calculated under RCW 19.52.010 or 82.32.060, prejudgment interest pursuant to this section shall not be applied on such portion of the judgment."

Debate ensued.

Senator Bottiger demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator Talmadge to the amendment by Senators Newhouse and Owen.

#### ROLL CALL

The Secretary called the roll and the motion by Senator Talmadge failed and the amendment was not adopted by the following vote: Yeas, 22; nays, 26; absent, 1.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Garrett, Gaspard, Halsan, Kreidler, McDermott, Moore, Peterson, Rasmussen, Rinehart, Smitherman, Stratton, Talmadge, Tanner, Vognild, Warnke, Williams, Wojahn - 22.

Voting nay: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hansen, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Pullen, Saling, Sellar, von Reichbauer, West, Zimmerman - 26.

Absent: Senator DeJarnatt - 1.

#### PARLIAMENTARY INQUIRY

Senator Bottiger: "Mr. President, is that an amendment to the amendment or an amendment to the bill?"

#### REPLY BY THE PRESIDENT

President Cherberg: "An amendment to the amendment."

#### POINT OF ORDER

Senator Bottiger: "Mr. President, I raise the point of order that the amendment by Senator Newhouse expands the scope and object of the bill. If the President will examine the bill, all through the bill the reference is to interest paid prior to judgment. Senator Newhouse has expanded the scope and object and changed it, rather than expand it, to interest paid after a judgment has been entered. I, therefore, believe it expands the scope and object."

Further debate ensued.

#### MOTION

On motion of Senator Vognild, further consideration of Engrossed House Bill No. 877 was deferred.

President Pro Tempore Rasmussen assumed the chair.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 554, by Committee on Constitution, Elections and Ethics (originally sponsored 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.

#### MOTION

Senator Zimmerman moved that the following amendments by Senators Zimmerman, McCaslin, Metcalf, Sellar and Hayner be considered simultaneously and adopted:

On page 1, line 24, after "or" strike "otherwise" and insert "in person"

On page 1, line 26, after "or" insert "personally"

On page 2, after line 2, insert a new subsection as follows:

"(3) Registration of a qualified person becomes effective when an accurate and complete registration form is received by the auditor, for the county in which the person resides, no later than thirty days prior to the next succeeding general, special or primary election, weekends and state holidays excepted."

On page 2, line 11 after "schools" strike all the material through "county" on line 13 and insert "and fire stations"

On page 2, line 29, after "identocard," insert "The county auditor shall not process a registration mail form prior to verifying the number provided by the applicant pursuant to this section. The method of verification must be noted by the auditor on the form returned by the applicant and all such forms shall be subject to public inspection and copying at a cost not to exceed the actual costs of reproduction."

On page 3, line 6, after "vote," insert "that I currently reside at \_\_\_\_\_ (street or rural route and city or town)"

On page 3 line 14, strike "post office" and insert "mailing"

On page 3, line 22 after "fine," insert "Notwithstanding any other judgment which may be entered by the court, every individual found guilty of an offense as described in this section shall be sentenced to a minimum of forty-eight consecutive hours in an appropriate county jail facility."

On page 3, line 30, after "correct" insert "and that the identifying number required in section 6 of this 1987 act has been verified as accurate"

On page 4, line 9, after "deliverable" insert "and all such cards shall be retained and available for public inspection and copying for a period of two years"

On page 4, line 12, after "or" strike "have delivered" and insert "personally deliver"

Debate ensued.

#### MOTION

On motion of Senator Vognil, further consideration of Substitute House Bill No. 554 was deferred.

#### SECOND READING

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.

#### MOTION

On motion of Senator McDermott, the rules were suspended, House Bill No. 1087 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of House Bill No. 1087.

#### ROLL CALL

The Secretary called the roll on final passage of House Bill No. 1087 and the bill passed the Senate by the following vote: Yeas, 46; nays, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognil, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 46.

Voting nay: Senators Craswell, McCaslin, Metcalf - 3.

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.

#### SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 321, by Committee on Ways and Means/Revenue (originally sponsored by Representatives Peery, Sutherland, L. Smith, Cooper, Nutley and P. King)

Authorizing excise tax deferrals on machinery, equipment, and other personal property used in the production or casting of aluminum.

The bill was read the second time.

## MOTION

On motion of Senator Tanner, the rules were suspended, Engrossed Second Substitute House Bill No. 321 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Second Substitute House Bill No. 321.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Second Substitute House Bill No. 321 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vogt, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

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.

## SECOND READING

ENGROSSED HOUSE BILL NO. 823, by Representatives Wineberry, Grimm, Nelson, Allen, Locke, Hargrove, Heavey, Jacobsen, Niemi, Brislaw, 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.

## MOTION

Senator Pullen moved that the following amendment be adopted:

On page 1, after line 15, insert the following:

"(2) Other countries, including but not limited to certain communist countries, practice apartheid and have consistently and oppressively violated human rights."

Renumber the remaining subsections consecutively

Debate ensued.

The President Pro Tempore declared the question before the Senate to be adoption of the amendment by Senator Pullen.

The motion by Senator Pullen carried and the amendment was adopted.

## MOTION

Senator Pullen moved that the following amendment be adopted:

On page 4, line 14, after "race" strike all material down to and including "Namibia" on line 15 and insert ", ethnicity, or creed. This definition specifically includes the policies of South Africa and Namibia and may include the policies of other dictatorial countries, including but not limited to communist countries"

## POINT OF INQUIRY

Senator McDermott: "Senator Pullen, as I read that, it looks like it covers Northern Ireland. Is that your understanding?"

Senator Pullen: "Senator McDermott, that would not be my decision to make. That decision would be made pursuant to the terms of the other amendments in the bill by the Board of Trustees, the Board of Regents and the other groups who will be making the divestment decision."

The President Pro Tempore declared the question before the Senate to be adoption of the amendment by Senator Pullen.

The motion by Senator Pullen carried and the amendment was adopted.

## MOTION

Senator Pullen moved that the following amendments be considered simultaneously and adopted:

On page 4, line 25, after "1," strike "1988" and insert "1989"

On page 4, line 26, after "1," strike "1991" and insert "1992"  
 On page 4, line 33, after "1," strike "1991" and insert "1992"  
 On page 5, line 5, after "1," strike "1988" and insert "1989"  
 On page 11, line 8, after "1," strike "1988" and insert "1989"  
 On page 11, line 15, after "1," strike "1988" and insert "1989"  
 On page 13, line 13, after "1," strike "1988" and insert "1989"  
 On page 13, line 20, after "1," strike "1988" and insert "1989"  
 On page 13, line 20, after "1," strike "1988" and insert "1989"  
 On page 15, line 8, after "1," strike "1988" and insert "1989"  
 On page 15, line 15, after "1," strike "1988" and insert "1989"  
 On page 19, line 6, after "1," strike "1988" and insert "1989"  
 On page 19, line 13, after "1," strike "1988" and insert "1989"  
 On page 23, line 21, after "1," strike "1988" and insert "1989"  
 On page 23, line 28, after "1," strike "1988" and insert "1989"

Senator McDermott objected to considering all amendments simultaneously.  
 Debate ensued.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Pullen to consider the amendments simultaneously.

The motion by Senator Pullen carried and the Senate resumed consideration of the amendments by Senator Pullen.

#### MOTION

On motion of Senator Vognild, further consideration of Engrossed House Bill No. 823 was deferred.

#### MOTION

At 4:14 p.m. on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 5:05 p.m. by President Cherberg.

#### MOTION

At 5:05 p.m. on motion of Senator Vognild, the Senate recessed until 6:00 p.m.

#### EVENING SESSION

The Senate was called to order at 6:03 p.m. by President Cherberg.

#### SECOND READING

#### CONFIRMATION OF GUBERNATORIAL APPOINTMENT

#### MOTION

On motion of Senator Bottiger, Gubernatorial Appointment No. 9099, Kai N. Lee, as a member of the Pacific Northwest Electric Power and Conservation Planning Council, was confirmed.

#### APPOINTMENT OF KAI N. LEE

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 46; absent, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Bottiger, Cantu, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 46.

Absent: Senators Benitz, Bluechel, Conner - 3.

#### PARLIAMENTARY INQUIRY

Senator Pullen: "Mr. President, a point of parliamentary inquiry. When we recessed shortly after 5:00 o'clock which was our cut-off deadline, we were dealing with House Bill No. 823, the divestiture bill. Under prior Presidential rulings, if we were working on a bill at the cut-off deadline, we can continue on that one bill. I want to make sure that by taking up this particular vote at this time, we are not forgetting."

REPLY BY THE PRESIDENT

President Cherberg: "We will take it up after this, Senator."

MOTION

On motion of Senator Vognild, the Senate commenced consideration of Engrossed Substitute House Bill No. 527.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 527, by Committee on Ways and Means (originally sponsored 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.

MOTION

Senator McDermott moved that the following Committee on Ways and Means amendment be adopted:

Strike everything after the enacting clause and insert the following:

**NEW SECTION.** Sec. 1. (1) A budget is hereby adopted and, subject to the provisions set forth in the following sections, the several amounts specified in the following sections, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for salaries, wages, and other expenses of the agencies and offices of the state and for other specified purposes for the fiscal biennium beginning July 1, 1987, and ending June 30, 1989, except as otherwise provided, out of the several funds of the state hereinafter named.

(2) Unless the context clearly requires otherwise, the definitions in this section apply throughout this act.

(a) "Fiscal year 1988" or "FY 1988" means the fiscal year ending June 30, 1988.

(b) "Fiscal year 1989" or "FY 1989" means the fiscal year ending June 30, 1989.

(c) "Provided solely" means the specified amount may be spent only for the specified purpose. Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose which is unnecessary to fulfill the specified purpose shall revert.

(d) "Revert" or "lapse" means the amount shall return to an unappropriated status.

(e) "FTE" means full time equivalent.

**NEW SECTION.** Sec. 2. (1) No funds appropriated in this act or otherwise available to any executive branch agency shall be expended for any costs incident to the employment of, or contracting for the services of, any personnel whose function is public relations or government relations, unless expressly authorized by the director of financial management. By December 20, 1987, the director shall submit to the legislature a report covering all such employment and contract services, including at least the total costs for the services, the identity of the persons performing the services, and the agencies for which the services were or are performed. The director shall also include whatever recommendations the director deems appropriate.

(2) No funds appropriated by this act or otherwise available to any executive branch agency shall be expended for any costs incident to the production or the publication of any magazine or brochure unless expressly authorized by the director of financial management. By December 20, 1985, the director shall submit to the legislature a report covering all such publications, including at least the total costs for the production, publication, and distribution, including staff resources, of each such publication. The director shall also include whatever recommendations that may be deemed appropriate for each publication.

PART I

GENERAL GOVERNMENT

**NEW SECTION.** Sec. 101. FOR THE HOUSE OF REPRESENTATIVES

General Fund Appropriation .....	\$	44,349,000
----------------------------------	----	------------

**NEW SECTION.** Sec. 102. FOR THE SENATE

General Fund Appropriation .....	\$	29,630,000
----------------------------------	----	------------

**NEW SECTION.** Sec. 103. FOR THE LEGISLATIVE BUDGET COMMITTEE

General Fund Appropriation .....	\$	1,680,000
----------------------------------	----	-----------

**NEW SECTION.** Sec. 104. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE

General Fund Appropriation .....	\$	2,353,000
----------------------------------	----	-----------

**NEW SECTION.** Sec. 105. FOR THE JOINT LEGISLATIVE SYSTEMS COMMITTEE

General Fund Appropriation .....	\$	5,524,000
----------------------------------	----	-----------

The appropriation in this section is subject to the following conditions and limitations: The appropriation shall be transferred to the legislative systems revolving fund.

**NEW SECTION.** Sec. 106. FOR THE OFFICE OF THE STATE ACTUARY

General Fund Appropriation .....	\$	742,000
<u>NEW SECTION, Sec. 107. FOR THE STATUTE LAW COMMITTEE</u>		
General Fund Appropriation .....	\$	5,394,000
<u>NEW SECTION, Sec. 108. FOR THE SUPREME COURT</u>		
General Fund Appropriation .....	\$	10,930,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$3,437,000 is provided solely for the indigent appeals program.

(2) \$110,000 is provided solely for the creation of the public defender task force. The supreme court shall compile a list of three qualified persons from which the governor shall appoint the director of the public defender task force. Qualifications of the director shall include admission to the practice of law in this state for at least five years and experience in the representation of persons accused of crime. The director shall be paid a salary fixed by the governor under RCW 43.03.040. To assist the director in carrying out the duties of the position, there is created a public defender task force consisting of the following members: One member appointed by both the associations of cities and counties; one member appointed by the Washington state bar association; one member appointed by both the Washington appellate defender association and the Washington defender association; one member appointed by the Washington association of prosecuting attorneys; one member appointed by the judiciary; two members appointed by the president of the senate who shall not be members of the same political party; and two members appointed by the speaker of the house of representatives who shall not be members of the same political party. Members of the task force shall serve without compensation but shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060.

The director shall, with the assistance of the task force, review the current system for providing appellate representation to indigent persons in criminal cases, civil commitment proceedings, and cases involving a disposition in a juvenile offense proceeding. The director shall by January 1, 1989, report to the judiciary committees of the house of representatives and senate with a plan for an effective and efficient program for delivering indigent defense services state-wide in trial court, the court of appeals, and the supreme court, in criminal cases, civil commitment proceedings, and cases involving a disposition in a juvenile offense proceeding. The plan shall include: Guidelines for determining who is eligible to receive legal services under the program, an estimate of resources needed to carry out the program at the trial and appellate court levels, and recommendations for mandatory pro bono publico participation by private attorneys.

NEW SECTION, Sec. 109. FOR THE LAW LIBRARY

General Fund Appropriation .....	\$	2,750,000
----------------------------------	----	-----------

NEW SECTION, Sec. 110. FOR THE COURT OF APPEALS

General Fund Appropriation .....	\$	12,151,000
----------------------------------	----	------------

NEW SECTION, Sec. 111. FOR THE ADMINISTRATOR FOR THE COURTS

General Fund Appropriation .....	\$	21,588,000
----------------------------------	----	------------

Public Safety and Education Account Appropriation .....	\$	18,828,000
---	----	------------

Total Appropriation .....	\$	40,416,000
---------------------------	----	------------

The appropriations in this section are subject to the following conditions and limitations:

(1) \$4,162,000 of the general fund appropriation is provided solely for the continuation of the treatment alternatives to street crime programs in Pierce, Snohomish, Clark, King, Spokane, and Yakima counties.

(2) \$296,000 of the general fund appropriation is provided solely for allocation to the superior court of Thurston county to relieve the impact of litigation involving the state of Washington.

(3) \$100,000 of the public safety and education account appropriation is provided solely for the administrator for the courts to initiate measures to prevent gender and minority bias in the courts. Such measures shall include but not be limited to:

(a) A study of the status of women and minorities as litigants, attorneys, judges, and court employees;

(b) Recommendations for implementing reform; and

(c) Providing attitude awareness training for judges and legal professionals.

NEW SECTION, Sec. 112. FOR THE JUDICIAL QUALIFICATIONS COMMISSION

General Fund Appropriation .....	\$	477,000
----------------------------------	----	---------

NEW SECTION, Sec. 113. FOR THE OFFICE OF THE GOVERNOR

General Fund Appropriation—State .....	\$	5,260,000
--	----	-----------

General Fund Appropriation—Federal .....	\$	500,000
--	----	---------

Total Appropriation .....	\$	5,760,000
---------------------------	----	-----------

The appropriations in this section are subject to the following conditions and limitations:

(1) \$167,000 of the general fund—state appropriation is provided solely for mansion maintenance.

(2) \$389,000 of the general fund—state appropriation is provided solely for extradition expenses to carry out RCW 10.34.030, providing for the return of fugitives by the governor.



including prior claims, and for extradition-related legal services as determined by the attorney general.

<b>NEW SECTION, Sec. 114. FOR THE LIEUTENANT GOVERNOR</b>	
General Fund Appropriation	\$ 363,000
<b>NEW SECTION, Sec. 115. FOR THE SECRETARY OF STATE</b>	
General Fund Appropriation	\$ 6,374,000
Archives and Records Management Account Appropriation	\$ 2,116,000
Total Appropriation	\$ 8,490,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,021,000 of the general fund appropriation is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures.

(2) \$1,661,000 of the general fund appropriation is provided solely for the verification of initiative and referendum petitions and the maintenance of related voter registration records, legal advertising of state measures, and the publication and distribution of the voters and candidates pamphlet.

(3) \$60,000 of the archives and records management account appropriation is provided solely for a project that will evaluate the need for, and potential archival requirements of, storage of data contained in magnetic media (tapes and disks). Implementation of an archival program for magnetic media shall not begin prior to approval of the findings and recommendations of the project by the office of financial management.

<b>NEW SECTION, Sec. 116. FOR THE COMMISSION ON MEXICAN-AMERICAN AFFAIRS</b>	
General Fund Appropriation	\$ 280,000
The appropriation in this section is subject to the following conditions and limitations: \$49,000 is provided solely to meet additional workload associated with the federal immigration reform and control act.	

<b>NEW SECTION, Sec. 117. FOR THE COMMISSION ON ASIAN-AMERICAN AFFAIRS</b>	
General Fund Appropriation	\$ 285,000

<b>NEW SECTION, Sec. 118. FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS</b>	
General Fund Appropriation	\$ 241,000

<b>NEW SECTION, Sec. 119. FOR THE STATE TREASURER</b>	
Motor Vehicle Fund Appropriation	\$ 44,000
State Treasurer's Service Fund Appropriation	\$ 9,081,000
Total Appropriation	\$ 9,125,000

<b>NEW SECTION, Sec. 120. FOR THE STATE AUDITOR</b>	
General Fund Appropriation	\$ 872,000
Motor Vehicle Fund Appropriation	\$ 286,000
Municipal Revolving Fund Appropriation	\$ 14,734,000
Auditing Services Revolving Fund Appropriation	\$ 9,359,000
Total Appropriation	\$ 25,251,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$150,000 of the auditing services revolving fund appropriation is provided solely to perform multi-agency audits of fixed assets, capital construction projects, and lease acquisitions and to perform deferred audits of state agencies.

(2) \$39,425 of the general fund appropriation is provided solely to perform whistleblower audits as required under chapter 42.40 RCW.

<b>NEW SECTION, Sec. 121. FOR THE ATTORNEY GENERAL</b>	
General Fund Appropriation	\$ 5,143,000
Legal Services Revolving Fund Appropriation	\$ 35,909,000
Total Appropriation	\$ 41,052,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$840,000 of the legal services revolving fund appropriation is provided solely to support additional attorneys to defend an increased number of cases expected from an increase in the number of industrial appeals board staff.

(2) Pursuant to chapter 365, Laws of 1985, the attorney general shall transmit to the judiciary committees of the senate and house of representatives and the human rights commission by January 1, 1988, and by January 1 of every year thereafter a progress report which states the agency's progress in meeting its affirmative action goals and timetables. The agency's goals for assistant attorneys general and other exempt employees shall be based on the percentage of each and every minority group's representation in the state labor force population. If the human rights commission determines that the agency is deficient in meeting its affirmative action goals for assistant attorneys general and other employees, the agency shall submit a plan of correction to the commission within thirty days of the commission's written notice of deficiencies. The plan of correction shall include specific measures for removing all deficiencies identified by the commission within twelve months of the date the plan is submitted to the commission.

<b>NEW SECTION, Sec. 122. FOR THE OFFICE OF FINANCIAL MANAGEMENT</b>	
General Fund Appropriation	\$ 17,848,000

Motor Vehicle Fund Appropriation .....	\$	100,000
Medical Aid Fund Appropriation .....	\$	98,000
Total Appropriation .....	\$	18,046,000

The appropriations in this section are subject to the following conditions and limitations: Reports required to be submitted to the legislature or its committees by dates specified in this act shall be submitted by such dates, notwithstanding time necessary for review by the office of financial management. For agencies under the authority of the governor, the office may require submission of draft reports for its review prior to the dates required for submission to the legislative branch.

NEW SECTION, Sec. 123. FOR THE OFFICE OF ADMINISTRATIVE HEARINGS

Administrative Hearings Revolving Fund Appropriation .....	\$	8,752,000
--	----	-----------

NEW SECTION, Sec. 124. FOR THE STATE INVESTMENT BOARD

State Investment Board Expense Account Appropriation .....	\$	1,766,000
--	----	-----------

NEW SECTION, Sec. 125. FOR THE DEPARTMENT OF PERSONNEL

Department of Personnel Service Fund Appropriation .....	\$	14,174,000
--	----	------------

State Employees' Insurance Fund Appropriation .....	\$	2,597,000
---	----	-----------

Total Appropriation .....	\$	16,771,000
---------------------------	----	------------

NEW SECTION, Sec. 126. FOR THE PERSONNEL APPEALS BOARD

Department of Personnel Service Fund Appropriation .....	\$	819,000
--	----	---------

NEW SECTION, Sec. 127. FOR THE DATA PROCESSING AUTHORITY

Data Processing Revolving Fund Appropriation .....	\$	1,268,000
--	----	-----------

NEW SECTION, Sec. 128. FOR THE WASHINGTON STATE LOTTERY

Lottery Administrative Account Appropriation .....	\$	43,697,000
--	----	------------

The appropriation in this section is subject to the following conditions and limitations: \$27,300,000 of the lottery administrative account appropriation is provided solely for the payment of costs incurred in the purchase and promotion of lottery games. If Engrossed Substitute House Bill No. 26 is enacted without requiring that costs of promotion of lottery games be paid out of the lottery administrative account, this amount of the appropriation shall lapse.

NEW SECTION, Sec. 129. FOR THE DEPARTMENT OF REVENUE

General Fund Appropriation .....	\$	63,667,000
----------------------------------	----	------------

Hazardous Waste Control and Elimination Account Appropriation .....	\$	112,000
---	----	---------

Timber Tax Distribution Account Appropriation .....	\$	3,275,000
---	----	-----------

Total Appropriation .....	\$	67,054,000
---------------------------	----	------------

The appropriations in this section are subject to the following conditions and limitations: \$100,000 of the general fund appropriation is provided solely to support additional staff to perform tax research and statistical analysis.

NEW SECTION, Sec. 130. FOR THE BOARD OF TAX APPEALS

General Fund Appropriation .....	\$	1,214,000
----------------------------------	----	-----------

The appropriation in this section is subject to the following conditions and limitations: \$72,070 is provided solely to conduct appeals in eastern Washington and other locations to handle increased appeals from audits and King county board of equalization assessments.

NEW SECTION, Sec. 131. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

General Fund Appropriation—State .....	\$	8,312,000
--	----	-----------

General Fund Appropriation—Federal .....	\$	1,623,000
--	----	-----------

General Fund Appropriation—Private/Local .....	\$	93,000
--	----	--------

Motor Transport Account Appropriation .....	\$	10,925,000
---	----	------------

General Administration Facilities and Services Revolving Fund		
---	--	--

Appropriation .....	\$	19,562,000
---------------------	----	------------

Total Appropriation .....	\$	40,515,000
---------------------------	----	------------

NEW SECTION, Sec. 132. FOR THE OFFICE OF MINORITY AND WOMEN'S BUSINESS

ENTERPRISES

General Fund Appropriation .....	\$	1,937,000
----------------------------------	----	-----------

NEW SECTION, Sec. 133. FOR THE PRESIDENTIAL ELECTORS

General Fund Appropriation .....	\$	1,000
----------------------------------	----	-------

NEW SECTION, Sec. 134. FOR THE INSURANCE COMMISSIONER

Insurance Commissioner's Regulatory Account Appropriation .....	\$	9,364,000
---	----	-----------

NEW SECTION, Sec. 135. FOR THE PUBLIC DISCLOSURE COMMISSION

General Fund Appropriation .....	\$	1,296,000
----------------------------------	----	-----------

The appropriation in this section is subject to the following conditions and limitations: \$173,000 is provided solely to handle an increased number of field audits of major campaigns, party organizations, lobbyists, and political action committees; to develop a computer data base of major campaign contributors; and to produce a more complete campaign financing fact book.

NEW SECTION, Sec. 136. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—OPERATIONS

Department of Retirement Systems Expense Fund Appropriation .....	\$	20,880,000
---	----	------------

The appropriation in this section is subject to the following conditions and limitations: \$554,000 is provided solely for the purposes of Engrossed Substitute Senate Bill No. 5150. If the bill is not enacted by June 30, 1987, this amount shall lapse.

NEW SECTION, Sec. 137. FOR THE MUNICIPAL RESEARCH COUNCIL  
 General Fund Appropriation ..... \$ 2,104,000

NEW SECTION, Sec. 138. FOR THE UNIFORM LEGISLATION COMMISSION  
 General Fund Appropriation ..... \$ 36,000

NEW SECTION, Sec. 139. FOR THE BOARD OF ACCOUNTANCY  
 General Fund Appropriation ..... \$ 525,000  
 Certified Public Accountant Examination Account Appropriation ..... \$ 571,000  
 Total Appropriation ..... \$ 1,096,000

NEW SECTION, Sec. 140. FOR THE BOXING COMMISSION  
 General Fund Appropriation ..... \$ 108,000

NEW SECTION, Sec. 141. FOR THE CEMETERY BOARD  
 Cemetery Account Appropriation ..... \$ 143,000

NEW SECTION, Sec. 142. FOR THE HORSE RACING COMMISSION  
 Horse Racing Commission Fund Appropriation ..... \$ 4,293,000

The appropriation in this section is subject to the following conditions and limitations:

(1) If there are more than seven hundred seventy-eight racing days during the fiscal biennium ending June 30, 1989, the governor is authorized to allocate such additional moneys from the horse racing commission fund as may be required.

(2) No horse racing commission funds may be used for the purpose of certifying Washington-bred horses as required under RCW 67.16.075.

(3) \$70,000 is provided solely for implementation of Substitute House Bill No. 177. If the bill is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

(4) \$160,000 is provided solely for drug testing and two additional security guards. This amount is contingent on the enactment of House Bill No. 831. If the bill is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

NEW SECTION, Sec. 143. FOR THE LIQUOR CONTROL BOARD  
 Liquor Revolving Fund Appropriation ..... \$ 87,777,000

The appropriation in this section is subject to the following conditions and limitations:

(1) At the expiration of the lease of any state liquor store, except in an incorporated city in which more than one liquor store exists, if the yearly average of gross bottle sales falls below 80,000 bottles, that store shall be closed and an agency may be established in its place.

(2) \$60,000 of the liquor revolving fund appropriation is provided solely for computer programming in order to use the state payroll system.

NEW SECTION, Sec. 144. FOR THE PHARMACY BOARD  
 General Fund Appropriation ..... \$ 1,343,000

NEW SECTION, Sec. 145. FOR THE UTILITIES AND TRANSPORTATION COMMISSION  
 Public Service Revolving Fund Appropriation—State ..... \$ 23,712,000

Public Service Revolving Fund Appropriation—Federal ..... \$ 426,000  
 Grade Crossing Protective Fund Appropriation ..... \$ 320,000

Total Appropriation ..... \$ 24,458,000

The appropriations in this section are subject to the following conditions and limitations: \$975,000 of the public service revolving fund appropriation is provided solely for costs of the attorney general associated with representation of the public before the commission, including but not limited to the costs of special attorneys general, expert witnesses, technical assistance, and consultants.

NEW SECTION, Sec. 146. FOR THE BOARD FOR VOLUNTEER FIREMEN  
 Volunteer Firemen's Relief and Pension Fund Appropriation ..... \$ 233,000

NEW SECTION, Sec. 147. FOR THE MILITARY DEPARTMENT  
 General Fund Appropriation—State ..... \$ 7,670,000

General Fund Appropriation—Federal ..... \$ 5,149,000  
 Total Appropriation ..... \$ 12,819,000

NEW SECTION, Sec. 148. FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION  
 General Fund Appropriation ..... \$ 1,919,000

NEW SECTION, Sec. 149. FOR THE CITIZENS' COMMISSION ON SALARIES FOR ELECTED OFFICIALS  
 General Fund Appropriation ..... \$ 125,000

PART II  
 HUMAN SERVICES

NEW SECTION, Sec. 201. FOR THE DEPARTMENT OF CORRECTIONS  
 (1) COMMUNITY SERVICES

General Fund Appropriation ..... \$ 59,605,000

The appropriation in this subsection is subject to the following conditions and limitations:

(a) \$2,071,000 is provided solely for the support of the office of the director of community services.

(b) \$200,000 is provided solely for the notification of victims and witnesses of any parole, work release placement, furlough, or unescorted leave of absence from a state correctional facility of any inmate convicted of a violent offense.

(2) INSTITUTIONAL SERVICES

General Fund Appropriation ..... \$ 269,774,000

The appropriation in this subsection is subject to the following conditions and limitations: \$1,049,000 is provided solely for the operation of the new in-patient floor at the Monroe reformatory hospital.

(3) ADMINISTRATION AND PROGRAM SUPPORT

General Fund Appropriation ..... \$ 17,961,000  
 Institutional Impact Account Appropriation ..... \$ 317,000  
 Total Appropriation ..... \$ 17,948,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department shall report to the ways and means committees of the senate and house of representatives on January 1, 1988, and January 1, 1989, regarding its progress toward employing more minorities and women in top-level management positions.

(b) A maximum of \$1,258,000 of the general fund appropriation may be transferred to the tort claims revolving fund for tort claims against the department. The department shall develop a report, including brief descriptions and estimated amounts of all outstanding tort claims. The report is due to the ways and means committees of the senate and house of representatives on January 1, 1988. During the 1987-89 biennium, the department shall report on a quarterly basis the tort claim payments resulting from settlements and court judgments. New claims against the state shall be included in the quarterly updates.

(c) The department shall administer a sex offender treatment program from the funds provided in this section as required by chapter 301, Laws of 1986. The department shall report to the ways and means committees of the senate and house of representatives by January 1, 1989, regarding the expenditures and outcomes resulting from the sex offender treatment program.

(4) INSTITUTIONAL INDUSTRIES

General Fund Appropriation ..... \$ 2,268,000

The appropriations in this subsection are subject to the following conditions and limitations: A maximum of \$500,000 may be spent for the replacement of used equipment within the institutional industries division.

**NEW SECTION.** Sec. 202. The appropriations in sections 203, 208, 210, 213, 214, and 215 of this act are subject to the following conditions and limitations:

(1) The appropriations in these sections shall be expended as provided in each section, except that the department may expend money, appropriated for other purposes, for the family independence program only after approval by the director of financial management. The director of financial management shall notify the ways and means committees of the senate and house of representatives regarding deviation from the legislative program appropriation levels.

(2) The department is authorized to expend federal funds made available by the federal immigration reform and control act, P.L. 99-603, for the purposes contained in that act.

(3) The department shall continue to let performance-based contracts and withhold a portion of vendor payments for private group care and other community residential placements when vendors do not meet contractually agreed-to client outcome performance standards. The department shall report to the ways and means committees of the senate and house of representatives on January 15, 1988, and January 15, 1989, regarding vendor compliance.

(4) If Engrossed Senate Bill No. 5097 is enacted by June 30, 1987, the department shall administer the lifeline fund established under the bill and shall recover its administrative costs from the fund. Payments to local exchange companies shall not exceed amounts available in the lifeline fund.

**NEW SECTION.** Sec. 203. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—

CHILDREN AND FAMILY SERVICES PROGRAM

General Fund Appropriation—State ..... \$ 168,517,000  
 General Fund Appropriation—Federal ..... \$ 58,552,000  
 Total Appropriation ..... \$ 227,069,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Vendor rate increases shall average 2.0 percent on September 1, 1987, and 4.0 percent on September 1, 1988. Department contracts for group home services, therapeutic day care, seasonal day care, and domestic violence shelters shall provide for and assure payment of compensation for staff of no less than \$4.76 per hour beginning September 1, 1987, and \$5.15 per hour beginning September 1, 1988.

(2) \$7,500,000 of the general fund—state appropriation is provided solely for the improvement of services to protect children. \$5,035,000 of the amount provided in this subsection is provided solely for increased child protective services and child welfare casework staff, necessary support and supervisory staff, and assistant attorneys general to provide legal services for child protective services cases. The department shall conduct intensive recruitment and priority hiring of qualified multi-ethnic casework staff. \$40,000 of the amount provided in this subsection is provided solely for training for child protective services and child welfare staff who investigate and serve child abuse and neglect cases. \$2,425,000 of the amount provided in this subsection is provided solely to implement Second Substitute Senate Bill No. 5553

or Engrossed Second Substitute House Bill No. 586, which establishes a pilot project in order to guide the state in developing a comprehensive system of children and family services. If neither bill is enacted by June 30, 1987, this amount shall lapse.

(3) \$1,000,000 of the general fund—state appropriation is provided solely for the expansion of therapeutic day care.

(4) \$2,160,000 of the general fund—state appropriation is provided solely for public health nurses to provide prevention and early intervention services for the protection of children, and to assist in the investigation of low-risk child abuse and neglect referrals.

(5) \$600,000 of the general fund—state appropriation is provided solely to increase private agency fees in connection with foster care placements, effective July 1, 1987.

(6) \$400,000 of the general fund—state appropriation is provided solely for expansion of current contracted community services to prevent the occurrence or recurrence of family conflict, abuse, or out-of-home placements.

(7) \$1,000,000 of the general fund—state appropriation is provided solely for training and support for families providing foster care services.

(8) \$300,000 of the general fund—state appropriation is provided solely to fund counseling, education, and support for victims of sexual abuse.

(9) \$500,000 of the general fund—state appropriation is provided solely to increase contracted Indian child welfare services.

(10) \$1,298,000 of the general fund—state appropriation is provided solely for financial eligibility workers to ensure that every child in foster care who is eligible for federal financial participation under Title IV, Part B, or Title IV, Part E of the federal social security act is identified. Any federal moneys generated by this activity in excess of the amount appropriated in this section shall be expended for foster care services and a like amount of state moneys shall lapse.

(11) \$92,800 of the general fund—state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 6013. If the bill is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 204. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES— JUVENILE REHABILITATION PROGRAM**

**(1) COMMUNITY SERVICES**

General Fund Appropriation—State	\$	27,988,000
General Fund Appropriation—Federal	\$	78,000
Total Appropriation	\$	28,066,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Vendor rate increases shall average 2.0 percent on September 1, 1987, and 4.0 percent on September 1, 1988. Privately contracted group home providers shall provide for and assure payment of compensation for staff of no less than \$4.76 per hour beginning September 1, 1987, and \$5.15 per hour beginning September 1, 1988.

(b) The seven state-operated group homes shall collectively average 100 youths in residential status per month. Residential status includes youths in actual residence, those on leave up to 14 days, and those in the process of being transferred or paroled. If the average number of youths in residential status falls below 100 per month, the general fund—state support shall be reduced by an average monthly amount per resident as determined by the office of financial management.

**(2) INSTITUTIONAL SERVICES**

General Fund Appropriation—State	\$	44,385,000
General Fund Appropriation—Federal	\$	890,000
Total Appropriation	\$	45,275,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$536,000 of the general fund—state appropriation is provided solely for the implementation of a mentally ill offenders unit at Echo Glen children's center.

(b) The department shall develop a ten-year plan to include operating and capital costs of using Green Hill school to house level I and the more serious level II offenders. The plan may include other viable options to handle the increasing numbers of violent offenders entering the juvenile rehabilitation institutions. The plan shall be presented to the ways and means committees of the senate and house of representatives by January 15, 1988.

**(3) PROGRAM SUPPORT**

General Fund Appropriation—State	\$	2,788,000
----------------------------------	----	-----------

**NEW SECTION. Sec. 205. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES— MENTAL HEALTH PROGRAM**

**(1) COMMUNITY SERVICES**

General Fund Appropriation—State	\$	120,909,000
General Fund Appropriation—Federal	\$	42,613,000
General Fund Appropriation—Local	\$	1,580,000
Total Appropriation	\$	165,102,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Vendor rate increases shall average 2.0 percent on September 1, 1987, and 4.0 percent on September 1, 1988. Community mental health centers and residential services providers shall provide for and assure payment of compensation for staff of no less than \$4.76 per hour beginning September 1, 1987, and \$5.15 per hour beginning September 1, 1988.

(b) \$2,690,000, of which \$2,383,000 is from the general fund—state appropriation is provided solely for the Kitsap mental health services residential treatment alternative project. The state reimbursement rate shall not exceed \$200 per client day and treatment for individual clients shall not exceed 180 days. All eligible involuntary treatment referrals shall be made to the project. No involuntary treatment referrals of Kitsap county residents may be made to Western state hospital. The maximum reimbursement rate to Kitsap county hospitals shall be \$250 per day per patient. Within the amount provided in this subsection, in an effort to reduce commitments to psychiatric hospitals and evaluation and treatment facilities, \$500,000, of which \$443,000 is from the general fund—state appropriation, is provided solely for a Kitsap mental health services outreach case management team. The services provided shall include participation with the court in formulation of conditions of conditional release and less restrictive alternative placement, participation in development of an individualized treatment plan with the treatment team, assistance with housing, financial management, medication management, nutrition, system advocacy, mental health services and monitoring the person receiving treatment to ensure that the person abides by the requirements of the person's individualized treatment plan. The case managers shall be mental health professionals, or shall be supervised by mental health professionals as defined in RCW 71.05.020(11). Kitsap mental health services shall participate in the state and county client tracking system required by RCW 71.24.035(4)(h) and 71.24.045(6). Kitsap mental health services shall provide quarterly reports to the committees on ways and means of the senate and house of representatives describing the numbers and characteristics of clients served and the resulting diversions from psychiatric hospitals and evaluation and treatment facilities. In addition, the department shall present an annual report to the same legislative committees by January 1, 1988, and January 1, 1989, indicating progress made toward meeting the long-term residential bed needs of Kitsap county.

(c) The mental health division, in conjunction with county officials and other affected parties, shall develop a fair and equitable formula for distributing involuntary treatment act administration funding to counties. The formula shall incorporate workload estimates, factors relevant to impacts on administrative costs of state psychiatric hospitals and any other relevant factors, defined in a common and consistent manner for state-wide application, required to reflect actual county administration costs. The mental health division shall present the proposed formula to the ways and means committees of the senate and house of representatives by November 15, 1987. Implementation of the formula may take effect immediately after legislative review but no later than January 1, 1988. Of the funding provided in this section for involuntary treatment act administration, \$3,400,000 is placed in reserve status pending legislative review of the new formula. No county allocation of funds for fiscal year 1988 may be less than its fiscal year 1987 allocation. Counties shall continue to fund current maintenance of effort funding levels during the ensuing biennium.

(d) \$6,250,000, of which \$5,000,000 is from the general fund—state appropriation, is provided solely for a state-wide pilot demonstration project as provided for in Engrossed Second Substitute Senate Bill No. 5074. These funds include 2 percent for costs of administration for participating counties. The plan for the pilot project shall be developed by the department in cooperation with interested counties, mental health providers, and other interested members of the community and legislative staff shall be submitted to the legislature by September 1, 1987. The plan shall include specific criteria for inclusion in the project for counties choosing to participate and shall meet the conditions set forth in Engrossed Second Substitute Senate Bill No. 5074. The plan shall provide for evaluation of the effects of case management on the treatment of involuntarily committed persons. The evaluation shall incorporate experimental control groups and use a system of random selection for identifying persons to receive the case management services. Evaluation support of no more than \$125,000 of the general fund—state appropriation is from the emergency and technical assistance funds provided for in RCW 71.24.155. The plan shall assure that case management services are administered in a manner which recognizes client needs within the availability of funds provided in this subsection (d). If Engrossed Second Substitute Senate Bill No. 5074 is not enacted by June 30, 1987, the amount provided in this subsection shall be provided solely for case management services for persons ordered to a fourteen-day less restrictive treatment setting as provided for in RCW 71.05.240.

(e) \$500,000 of the general fund—state appropriation is provided solely for Pierce county for community mental health services to address loss of operations grants and impact of persons released from the state psychiatric hospital who do not return to the county in which they were originally detained.

(f) Grants to counties for community mental health programs shall total not less than \$81,689,000 under RCW 71.24.155.

(g) \$1,000,000 of the general fund—state appropriation is provided solely for the support of involuntary treatment act administration.

(2) INSTITUTIONAL SERVICES

General Fund Appropriation—State	\$	150,411,000
General Fund Appropriation—Federal	\$	7,948,000
Total Appropriation	\$	158,359,000

The appropriations in this subsection are subject to the following conditions and limitations: The department shall prepare a transition plan for moving clients served by the program for adaptive living at Western state hospital into community residential facilities beginning on July 1, 1988. The transition plan shall include a list of qualified vendors and an appropriate amount of funding to be transferred from Western state hospital to cover the cost of establishing and operating community residential treatment beds. It is the intent of the legislature to provide community residential services in local noninstitutional settings. No other community residential programs may be established on the grounds of state mental institutions.

## (3) PROGRAM SUPPORT

General Fund Appropriation—State	\$	3,477,000
General Fund Appropriation—Federal	\$	1,341,000
Total Appropriation	\$	4,818,000

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 non-profit 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.

## (4) SPECIAL PROJECTS

General Fund Appropriation—Federal	\$	1,059,000
------------------------------------	----	-----------

**NEW SECTION. Sec. 206. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—  
DEVELOPMENTAL DISABILITIES PROGRAM**

## (1) COMMUNITY SERVICES

General Fund Appropriation—State	\$	75,687,000
General Fund Appropriation—Federal	\$	61,613,000
Total Appropriation	\$	137,300,000

The appropriations in this subsection are subject to the following conditions and limitations: (a) \$278,000 of the general fund—state appropriation is provided solely for the deaf-blind service center.

(b) The division of developmental disabilities shall fund the DECOD dental program at the University of Washington with \$224,000 of the general fund—state appropriation.

(c) The secretary may transfer funds between the appropriations in subsections (1) and (2) of this section in order to provide program options as authorized in RCW 72.33.125. Any transfer of funds shall not reduce the level of services to existing clients.

(d) Vendor rate increases shall average 2.0 percent on September 1, 1987, and 4.0 percent on September 1, 1988. Respite care providers shall provide for and assure payment of compensation for staff of no less than \$4.76 per hour beginning September 1, 1987, and \$5.15 per hour beginning September 1, 1988.

## (2) INSTITUTIONAL SERVICES

General Fund Appropriation—State	\$	100,602,000
General Fund Appropriation—Federal	\$	94,921,000
Total Appropriation	\$	195,523,000

## (3) SPECIAL PROJECTS

General Fund Appropriation—Federal	\$	1,199,000
------------------------------------	----	-----------

## (4) PROGRAM SUPPORT

General Fund Appropriation—State	\$	3,991,000
General Fund Appropriation—Federal	\$	479,000
Total Appropriation	\$	4,470,000

The appropriations in this section are subject to the following conditions and limitations: If Engrossed Second Substitute House Bill No. 221 is enacted before June 30, 1987, the department is authorized to expend the proceeds of the telecommunication devices for the deaf excise tax established under the bill for the distribution and maintenance of telecommunication devices, signal devices, and amplifying accessories to hearing-impaired persons as provided in the bill.

**NEW SECTION. Sec. 207. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—  
LONG-TERM CARE SERVICES**

General Fund Appropriation—State	\$	334,036,000
General Fund Appropriation—Federal	\$	333,836,000
Total Appropriation	\$	667,872,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall provide an integrated system of long-term care services which will allow for the most efficient, equitable, and appropriate use of available resources. The department shall endeavor to provide these services in the least restrictive and most cost-effective manner appropriate for individual clients.

(2) Adult services vendor rates shall be increased by 2.0 percent on September 1, 1987, and 4.0 percent on September 1, 1988.

(3) Department-contracted chore services shall provide for and assure payment of compensation for staff of no less than \$4.76 per hour beginning September 1, 1987, and \$5.15 per hour beginning September 1, 1988. Department reimbursement to clients for attendant care and services provided by the community options program entry system shall provide for and assure payment of a monthly rate equivalent to \$4.76 per hour for full time employment beginning September 1, 1987, and \$5.15 per hour for full time employment beginning September 1, 1988. If Engrossed Second Substitute House Bill No. 1006 is enacted before June 30, 1987, department-contracted nursing homes shall provide for and assure payment of compensation for staff of no less than \$4.76 per hour beginning January 1, 1988, and \$5.15 per hour beginning January 1, 1989. \$1,400,000 of the general fund—state appropriation is provided solely to enhance other nonadministrative wages and benefits as specified in Engrossed Second Substitute House Bill No. 1006. If the bill is not enacted by June 30, 1987, this amount shall lapse.

(4) Grant payment standards shall be increased by 2.0 percent on September 1, 1987, and 4.0 percent on September 1, 1988, for adult residential care clients.

(5) Nursing home rates shall be adjusted for inflation under RCW 74.46.495 by 3 percent on July 1, 1987, and 3 percent on July 1, 1988.

(6) \$1,000,000 of the general fund—state appropriation is provided solely for the expansion of the respite care demonstration project.

(7) At least 7 percent of the amount allotted for the senior citizens services act in each fiscal year shall be used for programs that utilize volunteer workers for the provision of chore services to persons whose need for chore services is not being met by the chore services program.

**NEW SECTION. Sec. 208. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—INCOME ASSISTANCE PROGRAM**

General Fund Appropriation—State .....	\$ 494,565,000
General Fund Appropriation—Federal .....	\$ 447,473,000
<b>Total Appropriation .....</b>	<b>\$ 942,038,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) Vendor rates shall be increased by 2.0 percent on September 1, 1987, and 4.0 percent on September 1, 1988.

(2) The department shall continue the aid to families with dependent children program for two-parent families through June 30, 1989.

(3) The department shall adopt by rule medical criteria for general assistance eligibility to ensure that eligibility decisions are consistent with statutory requirements and are based on clear, objective medical information.

(a) The process implementing such medical criteria shall involve consideration of opinions of the treating or consulting physicians or health care professionals regarding incapacity, and any eligibility decision which rejects uncontradicted medical opinion must set forth clear and convincing reasons for doing so.

(b) Recipients of general assistance who remain otherwise eligible shall not have their benefits terminated absent a clear showing of material improvement in their medical or mental condition or specific error in the prior determination that found the recipient eligible by reason of incapacitation.

(4) If Substitute House Bill No. 646 is enacted by June 30, 1987, the department shall report to the appropriate committees of the legislature by January 5, 1988, on implementation of the alcohol and drug addiction treatment and shelter act. The report shall include at least the following information:

(a) The number of persons receiving client assessment services, including the number receiving assistance in the application process for supplemental security income benefits;

(b) The number of persons receiving treatment services, including the number receiving inpatient and outpatient treatment, and the number receiving a living allowance while undergoing outpatient treatment;

(c) The number of persons receiving shelter services and the type of shelter services provided;

(d) The number of applicants for general assistance payments referred to the program and the number of recipients of general assistance transferred to the program; and

(e) An assessment of the need to revise projected funding levels of \$2,700,000 for client assessment services, \$11,378,000 for treatment services, and \$10,487,000 for shelter services.

(5) If Substitute House Bill No. 646 is enacted by June 30, 1987, the department shall have authority to provide services, including protective payee services, in lieu of cash grants, to clients eligible for the alcohol and drug addiction treatment and shelter program.

(6) It is the continuing intention of the legislature that payment levels in the aid to families with dependent children, general assistance, and refugee assistance programs contain an energy allowance to offset the costs of energy and that such allowance be excluded from consideration as income for the purpose of determining eligibility and benefit levels of the food stamp program to the maximum extent such exclusion is authorized under federal law and RCW 74.08.046. To this end, up to \$150,000,000 is so designated for exemptions of the following amounts:

Family size:	1	2	3	4	5	6	7	8 or more
--------------	---	---	---	---	---	---	---	-----------





The appropriations in this section are subject to the following conditions and limitations:

(1) \$108,000 of the general fund—state appropriation is transferred within the office of constituent relations for an additional 2 FTE staff for the office of the long-term care ombudsman.

(2) The department shall contract with the Washington state institute for public policy with \$652,000 of the general fund—state appropriation for a study over time of individual public assistance recipients and of individuals at risk of becoming eligible for or enrolling on public assistance.

(3) \$348,000 of the general fund—state appropriation is provided solely for continuing study of characteristics of public assistance recipients and evaluation of the family independence program.

**NEW SECTION, Sec. 214. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—  
COMMUNITY SERVICES ADMINISTRATION PROGRAM**

General Fund Appropriation—State .....	\$	158,797,000
General Fund Appropriation—Federal .....	\$	174,230,000
General Fund Appropriation—Local .....	\$	705,000
Total Appropriation .....	\$	333,732,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$498,000 of the general fund—state appropriation and \$471,000 of the general fund—federal appropriation are provided solely for administrative costs associated with the provision of medical assistance to categorically needy pregnant women and, on a phased-in basis, children up to five years of age whose household income does not exceed 100 percent of the federal poverty level, whose incomes do not exceed reasonable standards established by the department, and whose coverage qualifies for federal financial participation under Title XIX of the federal social security act.

(2) \$4,922,000, of which \$2,461,000 is from the general fund—state appropriation, is provided solely to increase services for participants in the opportunities program.

(3) \$69,000 of the general fund—state appropriation and \$70,000 of the general fund—federal appropriation are provided solely for discharge planning case management for clients in nursing homes, congregate care facilities, and adult family homes.

(4) \$708,000 of the general fund—state appropriation is provided solely for establishing a supplemental security income referral pilot program as provided for in Engrossed Substitute House Bill No. 665. If the bill is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

**NEW SECTION, Sec. 215. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—  
REVENUE COLLECTIONS PROGRAM**

General Fund Appropriation—State .....	\$	26,217,000
General Fund Appropriation—Federal .....	\$	51,135,000
General Fund Appropriation—Local .....	\$	200,000
Total Appropriation .....	\$	77,552,000

**NEW SECTION, Sec. 216. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—  
PAYMENTS TO OTHER AGENCIES PROGRAM**

General Fund Appropriation—State .....	\$	22,258,000
General Fund Appropriation—Federal .....	\$	11,174,000
Total Appropriation .....	\$	33,432,000

**NEW SECTION, Sec. 217. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT**

General Fund Appropriation—State .....	\$	31,971,000
General Fund Appropriation—Federal .....	\$	143,939,000
Building Code Council Account Appropriation .....	\$	407,000
Fire Service Training Account Appropriation .....	\$	500,000
Low Income Weatherization Account Appropriation .....	\$	4,000,000
Total Appropriation .....	\$	180,817,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,576,000 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.

(2) \$100,000 of the general fund—state appropriation may be used for increased department administrative staff if the department receives federal grants in excess of \$1,000,000 under U.S. House of Representatives resolution 558. If the department does not receive grants of at least \$1,000,000, the amount provided in this subsection shall lapse.

(3) \$12,534,000 of the general fund—state appropriation is provided solely for early childhood education and assistance programs under Substitute Senate Bill No. 5476 or Engrossed Second Substitute House Bill No. 456. These moneys shall be used to provide services to at least 2,000 children. If neither bill is enacted by June 30, 1987, the amount provided in this subsection shall lapse.

(4) \$173,000 of the general fund—state appropriation is provided solely for 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 house of representatives and senate energy and utilities committees and with the telecommunications division of the department of general administration for technical assistance in preparing this report.

(5) \$750,000 of the general fund—state appropriation is provided solely for grants to public broadcast companies that are licensed in Washington and qualify to receive grants from the federal corporation for public broadcasting under Engrossed Substitute Senate Bill No. 5285. If the bill is not enacted by June 30, 1987, the amount 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) \$100,000 of the general fund—state appropriation is provided solely to implement Substitute House Bill No. 430. If the bill is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

**NEW SECTION, Sec. 218. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

General Fund Appropriation—State	\$	17,889,000
General Fund Appropriation—Federal	\$	4,690,000
General Fund Appropriation—Local	\$	6,167,000
Total Appropriation	\$	28,746,000

**NEW SECTION, Sec. 219. FOR THE HUMAN RIGHTS COMMISSION**

General Fund Appropriation—State	\$	3,199,000
General Fund Appropriation—Federal	\$	964,000
Total Appropriation	\$	4,163,000

**NEW SECTION, Sec. 220. FOR THE DEATH INVESTIGATION COUNCIL**

Death Investigations Account Appropriation	\$	5,000
--	----	-------

**NEW SECTION, Sec. 221. FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS**

Public Safety and Education Account Appropriation	\$	176,000
Accident Fund Appropriation	\$	6,015,000
Medical Aid Fund Appropriation	\$	6,015,000
Total Appropriation	\$	12,206,000

**NEW SECTION, Sec. 222. FOR THE CRIMINAL JUSTICE TRAINING COMMISSION**

Death Investigations Account Appropriation	\$	32,000
Public Safety and Education Account Appropriation	\$	7,866,000
Total Appropriation	\$	7,898,000

The appropriations in this section are subject to the following conditions and limitations: \$68,000 of the public safety and education account appropriation is provided solely for one-time costs associated with conversion to an incident-based uniform crime reporting system. Expenditure of these funds is contingent upon receipt of federal matching funds equal to or greater than \$68,000.

**NEW SECTION, Sec. 223. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES**

General Fund Appropriation	\$	8,384,000
Public Safety and Education Account Appropriation	\$	10,866,000
Accident Fund Appropriation	\$	85,037,000
Electrical License Fund Appropriation	\$	9,620,000
Farm Labor Revolving Account Appropriation	\$	292,000
Medical Aid Fund Appropriation	\$	81,983,000
Plumbing Certificate Fund Appropriation	\$	640,000
Pressure Systems Safety Fund Appropriation	\$	1,111,000
Worker and Community Right to Know Fund Appropriation	\$	2,059,000
Total Appropriation	\$	199,992,000

**NEW SECTION, Sec. 224. FOR THE INDETERMINATE SENTENCE REVIEW BOARD**

General Fund Appropriation	\$	4,042,000
----------------------------	----	-----------

The appropriation in this section is subject to the following conditions and limitations:

(1) \$166,000 is provided solely for payments to private attorneys representing indigent parolees.

(2) \$727,000 is provided solely for addressing inmate litigation resulting from the transition from the indeterminate sentencing laws to the determinate sentencing laws and to enable the board to review all remaining cases falling under the indeterminate sentencing laws.

(3) Of the amount provided in subsection (2) of this section, \$363,500 shall be placed in reserve status until the legislature authorizes its release. The board shall report to the legislature on January 1, 1988, regarding its progress toward completing at least one-half of the workload outlined in subsection (2) of this section. It is the intent of the legislature that the indeterminate

sentencing review board terminate on June 30, 1989, and any remaining functions transfer to the department of corrections and the judiciary.

**NEW SECTION. Sec. 225. FOR THE HOSPITAL COMMISSION**

General Fund Appropriation	\$	1,948,000
Hospital Commission Account Appropriation	\$	1,420,000
Total Appropriation	\$	3,368,000

**NEW SECTION. Sec. 226. FOR THE EMPLOYMENT SECURITY DEPARTMENT**

General Fund Appropriation—State	\$	5,700,000
General Fund Appropriation—Federal	\$	146,257,000
General Fund Appropriation—Local	\$	18,373,000
Administrative Contingency Fund		
Appropriation—Federal	\$	6,798,000
Unemployment Compensation Administration Fund Appropriation—Federal	\$	110,569,000
Employment Service Administration Account Appropriation—Federal	\$	2,334,000
Total Appropriation	\$	290,031,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall submit a plan to the commerce and labor committees of the senate and house of representatives by January 15, 1988, regarding continuation of services provided at its satellite office at 2106 Second Avenue, Seattle. The plan shall identify any proposed changes to the service level in effect on July 1, 1988, and methods of assuring reasonable access to a full array of services for area clients.

(2) The department shall produce local area labor market information packages for the state's economically distressed counties.

(3) The department shall produce an annual state economic report to the legislature and the governor that includes but is not limited to:

(a) Identification and analysis of industries in the United States, Washington state, and local labor markets with high levels of seasonal, cyclical, and structural unemployment;

(b) The industries and local labor markets with plant closures and mass lay-offs and the number of affected workers;

(c) An analysis of the major causes of plant closures and mass lay-offs;

(d) The number of dislocated workers and persons who have exhausted their unemployment benefits, classified by industry, occupation, and local labor markets;

(e) The experience of the unemployed in their efforts to become reemployed. This should include research conducted on the continuous wage and benefit history;

(f) Five-year industry and occupational employment projections; and

(g) Annual and hourly average wage rates by industry and occupation.

(4) The department shall establish a counter-cyclical employment program.

(a) This program shall provide employment for unemployed forest product workers. "Forest products industries" means industries within the standard industrial classification code numbers 8, 24, and 26. The program shall operate, on a pilot basis in two locations in Washington state, with preference given to distressed areas in the state.

(b) Eligibility for employment under the counter-cyclical employment program shall occur only upon exhaustion of unemployment insurance benefits received upon termination of employment in the Washington forest products industry and eligibility shall be limited to only those persons who are either currently unemployed, employed part time, or whose employment in the Washington forest products industry was terminated within the previous year. No one shall be employed by the program for longer than six months in a two-year period, except as to administrative and supervisory employees.

(c) The program shall begin after completion of two consecutive quarters of below-average employment in forest products industries in Washington state and shall cease sixty days after the completion of two consecutive quarters of above-average timber products employment in Washington state. If, on the effective date of this act, forest products employment in the state has been below average for two consecutive quarters, the program shall begin immediately. In order to determine average forest products employment, the department shall calculate the trend of forest products employment in Washington state by the number of forest products employees, as reported by the department, during the fifteen years prior to the date the calculation is made. "Average forest products employment" means the level of employment indicated by this trend line.

(d) Employment under the counter-cyclical employment program shall consist of activities which enhance the value of state, county, and local government lands and waters and associated improvements, with priority given to enhancing state lands and waters. Eligible activities shall include, but are not limited to, thinning, slash removal, reforestation, fire suppression, trail maintenance, maintenance of recreational facilities, dike repair, tourist facilities, stream enhancement, water quality enhancement, irrigation repair, and the building of shellfish beds.

(e) Employees under the counter-cyclical employment program, except administrative employees, shall not be considered state employees for the purposes of existing provisions of

law with respect to hours of work, sick leave and civil service. Employees under the program shall receive the same medical and dental benefits and holiday and vacation benefits as state employees. Compensation for employees under the counter-cyclical employment program shall be at least eight dollars per hour of employment, except as to administrative and supervisory personnel. Employment under the program shall not result in the displacement or partial displacement, such as reduction of hours of nonovertime work, wages, or other employment benefits, of currently employed workers, including but not limited to state civil service employees, or of currently or normally contracted services. 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.

(f) The department shall administer the program in consultation with the state natural resource agencies. The employment security department may enter into contracts and agreements with state agencies and private and public individuals and organizations to carry out the program.

**NEW SECTION, Sec. 227. FOR THE DEPARTMENT OF SERVICES FOR THE BLIND**

General Fund Appropriation—State	\$	2,357,000
General Fund Appropriation—Federal	\$	4,862,000
Total Appropriation	\$	7,219,000

The appropriations in this section are subject to the following conditions and limitations: \$11,000 in fiscal year 1988 and \$11,000 in fiscal year 1989 is provided for support of the deaf-blind service center.

**NEW SECTION, Sec. 228. FOR THE CORRECTIONS STANDARDS BOARD**

General Fund Appropriation—State	\$	744,000
General Fund Appropriation—Federal	\$	80,000
Total Appropriation	\$	824,000

**NEW SECTION, Sec. 229. FOR THE SENTENCING GUIDELINES COMMISSION**

General Fund Appropriation	\$	525,000
----------------------------	----	---------

**NEW SECTION, Sec. 230. FOR THE WASHINGTON BASIC HEALTH PLAN**

General Fund Appropriation	\$	23,000,000
----------------------------	----	------------

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely to develop and operate the basic health plan under Engrossed Second Substitute House Bill No. 477. If the bill is not enacted by June 30, 1987, this appropriation shall lapse.

**PART III  
NATURAL RESOURCES**

**NEW SECTION, Sec. 301. FOR THE STATE ENERGY OFFICE**

General Fund Appropriation—State	\$	1,834,000
General Fund Appropriation—Federal	\$	16,528,000
General Fund Appropriation—Private/Local	\$	20,000
Geothermal Account Appropriation—Federal	\$	44,000
Building Code Council Account Appropriation	\$	634,000
Total Appropriation	\$	19,060,000

**NEW SECTION, Sec. 302. FOR THE COLUMBIA RIVER GORGE COMMISSION**

General Fund Appropriation—State	\$	463,000
General Fund Appropriation—Private/Local	\$	375,000
Total Appropriation	\$	838,000

**NEW SECTION, Sec. 303. FOR THE DEPARTMENT OF ECOLOGY**

General Fund Appropriation—State	\$	55,597,000
General Fund Appropriation—Federal	\$	58,046,000
General Fund Appropriation—Private/Local	\$	398,000
Hazardous Waste Control and Elimination Account Appropriation	\$	2,616,000
Flood Control Account Appropriation	\$	3,998,000
Special Grass Seed Burning Research Account Appropriation	\$	40,000
Reclamation Revolving Account Appropriation	\$	836,000
Emergency Water Project Revolving Account Appropriation: Appropriated pursuant to chapter 1, Laws of 1977 ex. sess.	\$	108,000
Litter Control Account Appropriation	\$	6,395,000
State and Local Improvements Revolving Account—Waste Disposal Facilities: Appropriated pursuant to chapter 127, Laws of 1972 ex. sess. (Referendum 26)	\$	761,000
State and Local Improvements Revolving Account—Waste Disposal Facilities 1980: Appropriated pursuant to chapter 159, Laws of 1980 (Referendum 39)	\$	2,095,000
State and Local Improvements Revolving Account—Water Supply Facilities: Appropriated pursuant to chapter 234, Laws of 1979 ex. sess. (Referendum 38)	\$	748,000
Stream Gaging Basic Data Fund Appropriation	\$	139,000
Tire Recycling Account Appropriation	\$	548,000

Water Quality Account Appropriation	\$	2,398,000
Workers and Community Right to Know Fund Appropriation	\$	229,000
Total Appropriation	\$	134,952,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Within the general fund appropriation, the department shall prepare penalty regulations for waste disposal permit violations, including minimum penalties, based on severity and frequency of violation.

(2) \$8,162,000 of the general fund appropriation is provided solely for the purposes of the state water quality plan, of which \$6,895,000 is provided solely for Puget Sound.

(3) \$715,000 of the general fund appropriation is provided solely for the purposes of solid waste management.

(4) \$2,300,000 of the general fund appropriation is provided solely for the purposes of phasing out the state hazardous waste remedial action sites currently in progress.

(5) \$855,000 of the general fund—state appropriation is provided solely for the purpose of carrying out the timber, fish, and wildlife agreement. If Senate Bill No. 5845 is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

(6) (a) \$275,000 of the general fund—state appropriation is provided solely to contract with the college of ocean and fishery science of the University of Washington to conduct a study of the state's damage assessment methodology for oil spills.

(b) \$25,000 of the general fund—state appropriation and \$50,000 of the hazardous waste control and elimination account appropriation are provided solely for the development of a model oil spill contingency plan to be incorporated in state and local emergency management plans. However, the amount provided in this subsection (b) shall be provided to the department of community development for the plan development.

**NEW SECTION, Sec. 304. FOR THE ENERGY FACILITY SITE EVALUATION COUNCIL**

General Fund Appropriation—Federal	\$	57,000
General Fund Appropriation—Private/Local	\$	2,726,000
Total Appropriation	\$	2,783,000

**NEW SECTION, Sec. 305. FOR THE STATE PARKS AND RECREATION COMMISSION**

General Fund Appropriation—State	\$	35,663,000
General Fund Appropriation—Federal	\$	999,000
General Fund Appropriation—Private/Local	\$	745,000
Trust Land Purchase Account Appropriation	\$	8,784,000
Winter Recreation Parking Account Appropriation	\$	322,000
Snowmobile Account Appropriation	\$	922,000
Public Safety and Education Account Appropriation	\$	10,000
Outdoor Recreation Account Appropriation	\$	159,000
Motor Vehicle Fund Appropriation	\$	1,000,000
Total Appropriation	\$	48,604,000

The appropriations in this section are subject to the following conditions and limitations: \$416,000 of the general fund—state appropriation is provided solely for carrying out the water quality plan.

**NEW SECTION, Sec. 306. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

Outdoor Recreation Account Appropriation—State	\$	1,638,000
Outdoor Recreation Account Appropriation—Federal	\$	108,000
Total Appropriation	\$	1,746,000

**NEW SECTION, Sec. 307. FOR THE ENVIRONMENTAL HEARINGS OFFICE**

General Fund Appropriation	\$	842,000
----------------------------	----	---------

**NEW SECTION, Sec. 308. FOR THE CONSERVATION COMMISSION**

General Fund Appropriation	\$	602,000
----------------------------	----	---------

The appropriation in this section is subject to the following conditions and limitations: \$182,000 of the general fund appropriation is provided solely for carrying out the water quality plan.

**NEW SECTION, Sec. 309. FOR THE PUGET SOUND WATER QUALITY AUTHORITY**

General Fund Appropriation	\$	4,785,000
Water Quality Account Appropriation	\$	1,100,000
Total Appropriation	\$	5,885,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$28,000 of the general fund appropriation is provided solely for preparing the 1989 plan.

(2) \$1,562,000 of the general fund appropriation is provided solely for implementing the Puget Sound water quality plan.

(3) \$226,000 of the general fund appropriation is provided solely for the preparation of the 1988 and 1989 state of the sound reports.

**NEW SECTION, Sec. 310. FOR THE DEPARTMENT OF FISHERIES**

General Fund Appropriation—State	\$	47,591,000
General Fund Appropriation—Federal	\$	15,057,000
General Fund Appropriation—Private/Local	\$	3,651,000

Aquatic Lands Enhancement Account Appropriation	\$	275,000
Total Appropriation	\$	66,574,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$106,000 of the general fund—state appropriation is provided solely for carrying out the water quality plan.

(2) \$847,000 of the general fund—state appropriation is provided solely for the purpose of carrying out the timber, fish, and wildlife agreement.

(3) \$1,028,000 of the general fund—state appropriation shall be transferred to the department of game and is provided solely for the purpose of carrying out the timber, fish, and wildlife agreement. If Senate Bill No. 5845 is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

(4) \$4,400,000 of the general fund—state appropriation and \$1,000,000 of the general fund—federal appropriation are provided solely for the marine fish program. If Senate Bill No. 5495 is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

(5) \$400,000 of the general fund—state appropriation is provided solely for the purpose of a comprehensive biological study conducted by the University of Washington and Grays Harbor community college to determine what is affecting the survival of salmon in the Grays Harbor area.

**NEW SECTION, Sec. 311. FOR THE DEPARTMENT OF GAME**

ORV (Off-Road Vehicle) Account Appropriation	\$	257,000
Aquatic Lands Enhancement Account Appropriation	\$	275,000
Public Safety and Education Account Appropriation	\$	515,000
Game Fund Appropriation—State	\$	36,819,000
Game Fund Appropriation—Federal	\$	15,142,000
Game Fund Appropriation—Private/Local	\$	1,856,000
Game Fund—Special Wildlife Account Appropriation	\$	422,000
Total Appropriation	\$	55,286,000

**NEW SECTION, Sec. 312. FOR THE DEPARTMENT OF NATURAL RESOURCES**

General Fund Appropriation—State	\$	36,591,000
General Fund Appropriation—Federal	\$	78,000
General Fund Appropriation—Private/Local	\$	20,000
ORV (Off-Road Vehicle) Account Appropriation—State	\$	3,086,000
Geothermal Account Appropriation—Federal	\$	16,000
Forest Development Account Appropriation	\$	21,136,000
Survey and Maps Account Appropriation	\$	773,000
Landowner Contingency Forest Fire Suppression Account Appropriation	\$	1,636,000
Resource Management Cost Account Appropriation	\$	52,495,000
Total Appropriation	\$	115,831,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$270,000 of the general fund—state appropriation is provided solely for carrying out the water quality plan.

(2) \$100,000 of the general fund—state appropriation is provided solely for interim relocation of staff presently located in the John A. Cherberg building.

(3) \$3,770,000 of the general fund—state appropriation is provided solely for the purpose of carrying out the timber, fish, and wildlife agreement. If Senate Bill No. 5845 is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

(4) \$2,330,000 of the resource management cost account appropriation is provided solely to create an additional one hundred full time equivalent jobs, providing employment opportunities for a total of 200 people, 50 each for a period not to exceed six months, under the provisions of the employment security department's counter-cyclical employment program in section 226 of this act. These jobs shall pay at least eight dollars per hour, excluding benefits. Work performed under this subsection must provide economic benefits to state trust lands.

**NEW SECTION, Sec. 313. FOR THE DEPARTMENT OF AGRICULTURE**

General Fund Appropriation—State	\$	15,431,000
General Fund Appropriation—Federal	\$	600,000
Feed and Fertilizer Account Appropriation	\$	22,000
Fertilizer, Agricultural, Mineral and Lime Fund Appropriation	\$	455,000
Commercial Feed Fund Appropriation	\$	409,000
Seed Fund Appropriation	\$	979,000
Nursery Inspection Fund Appropriation	\$	1,011,000
Livestock Security Interest Account Appropriation	\$	34,000
Liquor Revolving Fund Appropriation	\$	406,000
Total Appropriation	\$	19,347,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$48,000 of the general fund—state appropriation is provided solely for carrying out the water quality plan.

(2) The liquor revolving fund appropriation is provided solely for the purposes of Second Substitute House Bill No. 569.

(3) \$120,000 of the general fund—state appropriation is provided solely for the continuation of the brucellosis vaccination program.

<b>NEW SECTION, Sec. 314. FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT</b>	
General Fund Appropriation .....	\$ 20,847,000
Motor Vehicle Fund Appropriation .....	\$ 532,000
Total Appropriation .....	\$ 21,379,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$195,000 of the general fund appropriation is provided solely for contracts with Washington State University small business development center programs.

(2) \$400,000 of the general fund appropriation is provided solely for the small business export finance center.

(3) \$5,544,000 of the general fund appropriation is provided solely for the University of Washington for the continuation of the Washington high technology center and the center for international trade in forest products as matching funds to private-sector, federal, and in-kind contributions, on the basis of the following percentages:

(a) Washington high technology center, 50 percent; and nonstate contributions, 50 percent; and

(b) Center for international trade in forest products, 50 percent; and nonstate contributions, 50 percent.

**NEW SECTION, Sec. 315. FOR THE ECONOMIC DEVELOPMENT BOARD**

General Fund Appropriation—State .....	\$ 535,000
General Fund Appropriation—Private/Local .....	\$ 100,000
Total Appropriation .....	\$ 635,000

**NEW SECTION, Sec. 316. FOR THE WASHINGTON CENTENNIAL COMMISSION**

General Fund Appropriation .....	\$ 6,412,000
State Centennial Commission Account Appropriation .....	\$ 2,540,000
Total Appropriation .....	\$ 8,952,000

The appropriations in this section are subject to the following conditions and limitations:

(1) State agencies, at the request of the centennial commission, may develop programs or activities related to the Washington state centennial. Agencies that develop programs or activities in conjunction with the centennial commission shall not charge the commission for overhead or administrative costs.

(2) \$1,500,000 of the general fund appropriation is provided solely for contracts with Pacific Celebration '89 for exhibits, symposia, and other events aimed at celebrating and studying Washington state's ties to the nations of the Pacific rim. Each \$1.00 of general fund moneys must be matched by at least \$1.60 in private moneys.

(3) The general fund appropriation is intended to be the final state contribution to the funding of the centennial commission.

(4) \$342,000 of the general fund appropriation is provided solely for the Jacob Lawrence murals for the rotunda of the legislative building.

**NEW SECTION, Sec. 317. FOR THE STATE CONVENTION AND TRADE CENTER**

State Convention and Trade Center Account Appropriation .....	\$ 9,320,000
---	--------------

**PART IV**

**TRANSPORTATION**

**NEW SECTION, Sec. 401. FOR THE STATE PATROL**

Death Investigations Account Appropriation .....	\$ 24,000
General Fund Appropriation—State .....	\$ 15,388,000
General Fund Appropriation—Federal .....	\$ 2,974,000
General Fund Appropriation—Private/Local .....	\$ 1,769,000
Total Appropriation .....	\$ 20,155,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$471,000 of the general fund—state appropriation is provided solely for state matching funds for federal crime laboratory grants. At least three federal dollars must be spent for each state dollar spent.

(2) \$471,000 of the general fund—state appropriation is provided solely for state matching funds for federal narcotics grants. At least three federal dollars must be spent for each state dollar spent.

**NEW SECTION, Sec. 402. FOR THE DEPARTMENT OF LICENSING**

General Fund Appropriation .....	\$ 15,466,000
Architects' License Account Appropriation .....	\$ 765,000
Health Professions Account Appropriation .....	\$ 9,414,000
Medical Disciplinary Account Appropriation .....	\$ 1,195,000
Professional Engineers' Account Appropriation .....	\$ 1,207,000
Real Estate Commission Account Appropriation .....	\$ 4,936,000
Total Appropriation .....	\$ 32,983,000

The appropriations in this section are subject to the following conditions and limitations:



(1) A maximum of \$426,000 from the health professions account appropriation may be used to contract with the board of pharmacy for drug-related investigations regarding licensed health care professionals.

(2) \$750,000 of the general fund appropriation is provided solely for expansion of the master license system. This funding is contingent on interagency transfers totaling \$548,000 in value. The office of financial management shall determine: (a) Which agencies shall make transfers to the department of licensing; (b) how much each agency shall transfer; and (c) whether the transfers shall be money or in-kind.

**NEW SECTION, Sec. 403. FOR THE MARINE EMPLOYEES' COMMISSION**

Puget Sound Ferry Operations Account Appropriation ..... \$ 308,000

The appropriation in this section is subject to the following conditions and limitations: The commission shall contract for \$50,000 a year with the public employment relations commission for secretarial support and mediation services.

**PART V  
EDUCATION**

**NEW SECTION, Sec. 501. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR STATE ADMINISTRATION**

General Fund Appropriation—State ..... \$ 17,851,000

General Fund Appropriation—Federal ..... \$ 10,683,000

Public Safety

and Education Account Appropriation ..... \$ 465,000

Total Appropriation ..... \$ 28,999,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The public safety and education account appropriation is provided solely for administration of the traffic safety education program, including in-service training related to instruction in the risks of driving while under the influence of alcohol and other drugs.

(2) \$150,000 of the general fund—state appropriation is provided solely for the institute of public policy and management of the University of Washington to continue efforts to revise the common school state-wide reporting system. The institute shall work closely with the superintendent of public instruction and the office of financial management to prepare a report to the legislature by December 1, 1988, regarding its findings and recommendations.

(3) \$364,000 of the general fund—state appropriation is provided solely for the continuation of the international education program. \$50,000 of this amount shall be used to contract for services to expand the program to include Latin America.

(4) \$54,000 of the general fund—state appropriation is provided solely for the purposes of developing and conducting school in-service training to assist school districts in developing instructional programs related to acquired immunity deficient syndrome. The purpose of these funds is to provide in-service training to one person from each of the following groups: School board members, district administrators, district support staff, high school health teachers, middle school health teachers, and elementary school teachers.

(5) \$18,000 of the general fund—state appropriation is provided solely for the continuation of the environmental education program.

(6) \$50,000 of the general fund—state appropriation is provided solely for pilot programs for Hispanic dropout prevention and retrieval.

(7) \$35,000 of the general fund—state appropriation is provided solely for the development of a horticulture greenhouse project within the Sequim school district.

**NEW SECTION, Sec. 502. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR EDUCATIONAL SERVICE DISTRICTS**

General Fund Appropriation ..... \$ 10,010,000

The appropriation in this section is subject to the following conditions and limitations: The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.21.088 (3) and (4).

**NEW SECTION, Sec. 503. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR GENERAL APPORTIONMENT (BASIC EDUCATION)**

General Fund Appropriation ..... \$ 3,781,730,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$367,646,000 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 hand-capped 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 (d) through (l) of this subsection:

(i) Forty-six 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) Five certificated instructional staff units for each average annual one thousand full time equivalent kindergarten through third grade students, excluding handicapped full time equivalent enrollment as calculated under section 505 of this act, and excluding full time equivalent enrollment otherwise recognized for certificated staff unit allocations in subsections (d) through (i) of this section. \$61,324,000 of the appropriation provided in this section shall be used solely to increase the certificated instructional staff allocation from forty-seven to fifty-one certificated instructional staff units per one thousand full time equivalent kindergarten through third grade students beginning with the 1987-88 school year. These funds shall be considered levy reduction funds as defined in House Bill No. 455 or Substitute Senate Bill No. 5909. For all districts for which these funds are not designated as levy reduction funds, these funds are intended solely to increase instructional staff in grades kindergarten through third grade.

(c) 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.

(d) 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.

(e) 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.

(f) 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 sixty 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 twenty annual average full time equivalent students in grades seven and eight, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units.

(g) 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.

(h) 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.

(i) 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 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per forty-three and one-half 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) One classified staff unit per each three certificated staff units allocated under subsections (2)(a) (i) and (ii), and (d) through (h) of this section.

(b) One classified staff unit for each sixty full time equivalent vocational students enrolled.

(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 19.4 percent in the 1987-88 school year and 19.53 percent in the 1988-89 school year of certificated salary allocations provided under subsection (2) of this section, and a rate of 17.00 percent in the 1987-88 school year and 17.12 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) (i) and (ii), (c), and (e) through (i) 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)(d) 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 \$3,176,000 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 \$1,121,000 may be expended in fiscal year 1989.

(c) A maximum of \$272,000 may be expended for school district emergencies.

(9) For the purposes of section 1 of Senate Bill No. 5909 or House Bill No. 455, the increase per full time equivalent student in the state basic education appropriation provided under this section is 4.4 percent between the 1986-87 and 1987-88 school years, and 3.8 percent between the 1987-88 and 1988-89 school years.

(10) As a condition to the allocation of funds to school districts appropriated pursuant to this section, the superintendent shall require school districts to ensure that, during the respective school year, the district has complied with all rules adopted by the superintendent of public instruction to implement RCW 28A.58.095. For any violation of such rules, the superintendent shall withhold an amount equal to the level of violation when applied to the district's respective basic education allocation, unless or until such time as the school district comes into compliance with the rules.

**NEW SECTION. Sec. 504. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—SCHOOL DISTRICT EMPLOYEE COMPENSATION**

General Fund Appropriation . . . . . \$ 147,437,000

For the purposes of section 503 of this act and this section, the following conditions and limitations apply:

(1)(a) "LEAP Document 10A" means the computer tabulation of 1986-87 derived base salaries for basic education certificated instructional staff, 1986-87 average salaries for basic education certificated administrative staff, and 1986-87 average salaries for basic education classified staff, as developed by the legislative evaluation and accountability program committee on April 6, 1987, at 10:00 hours.

(b) "LEAP Document 1" means the computer tabulation of staff mix factors characterizing certificated staff by educational experience and years of service, as developed by the legislative evaluation and accountability program committee on April 20, 1981, at 11:35 hours.

(c) "Incremental fringe benefits" means 18.77 percent in the 1987-88 school year and 18.89 percent in the 1988-89 school year for certificated staff, and 13.47 percent in the 1987-88 school year and 13.59 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 this section.

(2) For the purposes of RCW 28A.58.095 and section 503(9) of this act, the following conditions and limitations apply:

(a) Effective September 1, 1987, each school district is authorized to grant salary increases that increase the district's basic education certificated instructional staff derived base salary to no more than the sum of: (i) The district's certificated instructional staff derived base salary as shown on LEAP Document 10A; and (ii) 3 percent of the state-wide certificated instructional staff derived base salary as shown on LEAP Document 10A.

(b) Effective September 1, 1988, each school district is authorized to grant salary increases that increase the district's basic education certificated instructional staff derived base salary to no more than the sum of: (i) The district's certificated instructional staff derived base salary as shown on LEAP Document 10A; (ii) 3 percent of the state-wide certificated instructional staff derived base salary as shown on LEAP Document 10A; and (iii) 3.09 percent of the state-wide certificated instructional staff derived base salary as shown on LEAP Document 10A.

(c) Effective September 1, 1987, each school district is authorized to grant salary increases that increase the district's basic education certificated administrative staff average salary to no more than the sum of: (i) The district's certificated administrative staff average salary as shown on LEAP Document 10A; and (ii) 3 percent of the state-wide certificated administrative staff average salary as shown on LEAP Document 10A.

(d) Effective September 1, 1988, each school district is authorized to grant salary increases that increase the district's basic education certificated administrative staff average salary to no more than the sum of: (i) The district's certificated administrative staff average salary as shown on LEAP Document 10A; (ii) 3 percent of the state-wide certificated administrative staff average salary as shown on LEAP Document 10A; and (iii) 3.09 percent of the state-wide certificated administrative staff average salary as shown on LEAP Document 10A.

(e) Effective September 1, 1987, each school district is authorized to grant salary increases that increase the district's basic education classified staff average salary to no more than the sum of: (i) The district's classified staff average salary as shown on LEAP Document 10A; and (ii) 3 percent of the state-wide classified staff average salary as shown on LEAP Document 10A.

(f) Effective September 1, 1988, each school district is authorized to grant salary increases that increase the district's basic education classified staff average salary to no more than the sum of: (i) The district's classified staff average salary as shown on LEAP Document 10A; (ii) 3 percent of the state-wide classified staff average salary as shown on LEAP Document 10A; and (iii) 3.09 percent of the state-wide classified staff average salary as shown on LEAP Document 10A.

(g) The maximum percentage salary increase in school district programs other than the basic education program shall not exceed the percentage increase authorized pursuant to this section for the district's basic education program.

(h) Insurance benefits are limited by this act to an average monthly rate of: (i) \$167 per full time certificated instructional employee; (ii) \$167 per full time certificated administrative employee; and (iii) \$167 per classified unit. Classified units shall be calculated on the basis of 1,440 hours of work per year, with no individual counted for more than one unit. In accordance with RCW 28A.58.095, this subsection relates to insurance benefit increases granted in either the 1987-88 or 1988-89 school year which would raise the rate per full time equivalent unit over \$167 per month.

(i) Increments granted by school districts to certificated instructional staff shall constitute salary increase in the year in which the increments are given by a district to the extent only that the aggregate of increments granted by a district exceeds the aggregate of increments pursuant to LEAP Document 1.

(j) School districts may elect an alternate measure of salary compliance for classified staff by comparing average salaries for the current school year to the imputed classified average salary that was or would have been paid the same staff in the same positions during the prior school year if the districts electing this alternative certify by board resolution that any amount in excess of state-funded salary levels in each year thereafter is solely a district obligation created through local district personnel policies and salary schedule placements, and that the effect shall neither incur nor imply any current or future funding obligation by the state.

(k) For the purposes of this subsection and implementation of RCW 28A.58.095, the following definitions apply:

(i) "Basic education" means those school district programs defined in the accounting manual for public schools in the state of Washington as 01 - Basic Education, 31 - Vocational Secondary, 94 - General Instructional Support, and 94 - General Support Service;

(ii) "Certificated administrative staff" means those certificated staff as defined in RCW 41.59.020(4);

(iii) "Certificated instructional staff" means all other certificated staff not included in RCW 41.59.020(4).

(3)(a) For the purposes of the appropriation in section 503 of this act, each district's average basic education certificated instructional salary allocation shall be the district's derived base salary as shown on LEAP Document 10A, multiplied by the district's prior year staff mix factor for basic education certificated instructional staff calculated using LEAP Document 1.

(b) For the purposes of the appropriation in section 503 of this act, each district's average basic education certificated administrative salary allocation and each district's average basic education classified salary allocation shall be the amounts shown on LEAP Document 10A.

(4)(a) \$62,625,000 is provided, effective September 1, 1987, to increase funding for each basic education certificated instructional staff unit allocated under section 503(2) of this act by an amount equal to the district's prior year staff mix factor for basic education certificated instructional staff, determined using LEAP Document 1, multiplied by 3 percent of the state-wide average derived base salary shown on LEAP Document 10A for certificated instructional staff, and for incremental fringe benefits.

(b) \$28,930,000 is provided, effective September 1, 1988, to increase funding for each basic education certificated instructional staff unit allocated for the 1988-89 school year under section 503(2) of this act by an amount equal to the district's prior year staff mix factor for basic education certificated instructional staff, determined using LEAP Document 1, multiplied by 3.09 percent of the state-wide average derived base salary shown on LEAP Document 10A for certificated instructional staff, and for incremental fringe benefits.

(c) \$22,531,000 is provided, effective September 1, 1987, to increase funding for each basic education certificated administrative and classified staff unit allocated under section 503 (2) and (3) of this act by 3 percent of the respective state-wide average salary shown on LEAP Document 10A, and for incremental fringe benefits.

(d) \$10,395,000 is provided, effective September 1, 1988, to increase funding for each basic education certificated administrative and classified staff unit allocated for the 1988-89 school year under section 503 (2) and (3) of this act by 3.09 percent of the respective state-wide average salary shown on LEAP Document 10A, and for incremental fringe benefits.

(5) A maximum of \$8,609,000 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 \$16.49 per pupil for the 1987-88 school year and by \$33.02 per pupil for the 1988-89 school year.

(b) Learning assistance: The rates specified in section 508 of this act shall be increased by \$13.40 per pupil for the 1987-88 school year and by \$25.78 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 \$9.73 per pupil for the 1987-88 school year and by \$19.52 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 \$85.35 per full time equivalent student for the 1987-88 school year, and by \$171.59 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.

(6) A maximum of \$14,587,228 is provided for salary increases and incremental fringe benefits for state-supported certificated and classified staff allocations in the handicapped program and state-supported staff in institutional education programs and educational service districts. Such moneys shall be distributed to implement a maximum salary increase of 3 percent effective September 1, 1987, and an additional 3.09 percent salary increase effective September 1, 1988.

**NEW SECTION. Sec. 505. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR HANDICAPPED EDUCATION PROGRAMS**

General Fund Appropriation—State	\$	410,685,000
General Fund Appropriation—Federal	\$	45,318,000
Total Appropriation	\$	456,003,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$41,565,000 of the general fund—state appropriation is provided solely for the remaining months of the 1986-87 school year.

(2) The superintendent of public instruction shall distribute state funds for the 1987-88 and 1988-89 school years in accordance with a district's actual handicapped enrollments and the allocation model established in LEAP Document 9 as developed by the legislative evaluation and accountability program committee on March 17, 1987, at 11:07 hours.

(3) A maximum of \$411,000 may be expended from the general fund—state appropriation to fund 4.66 FTE staff and one aide at Children's Orthopedic Hospital and Medical Center. This amount is in lieu of money provided through home and hospital allocation and the handicapped program.

(4) From state or federal funds appropriated under this section, the superintendent of public instruction shall in conjunction with the department of social and health services implement

plans to meet the educational and/or residential needs in Washington state of serious behaviorally disabled youth and of troubled deaf youth.

**NEW SECTION, Sec. 506. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR INSTITUTIONAL EDUCATION PROGRAMS**

General Fund Appropriation—State .....	\$	20,126,000
General Fund Appropriation—Federal .....	\$	7,034,000
Total Appropriation .....	\$	27,160,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,577,000 of the general fund—state appropriation is provided solely for the remaining months of the 1986–87 school year.

(2) \$10,097,000 of the general fund—state appropriation is provided solely for the 1987–88 school year, distributed as follows:

(a) \$4,129,000 is provided solely for programs in state institutions for the handicapped or emotionally disturbed. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of \$10,296 per full time equivalent student.

(b) \$2,979,000 is provided solely for programs in state institutions for delinquent youth. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of \$5,407 per full time equivalent student.

(c) \$370,000 is provided solely for programs in state group homes for delinquent youth. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of \$3,494 per full time equivalent student.

(d) \$564,000 is provided solely for juvenile parole learning center programs. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of \$1,395 per full time equivalent student, and are in addition to moneys allocated for these students through the basic education formula established in section 503 of this act.

(e) \$2,055,000 is provided solely for programs in county detention centers. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of \$4,014 per full time equivalent student.

(3) Distribution of state funding for the 1988–89 school year shall be based upon the following overall limitations for that school year including expenditures anticipated for July and August of 1989:

(a) State funding for programs in state institutions for the handicapped or emotionally disturbed may be distributed at a maximum rate averaged over all of these programs of \$10,298 per full time equivalent student and a total allocation of no more than \$3,735,000 for that school year.

(b) State funding for programs in state institutions for delinquent youth may be distributed at a maximum rate averaged over all of these programs of \$5,412 per full time equivalent student and a total allocation of no more than \$2,896,000 for that school year.

(c) State funding for programs in state group homes for delinquent youth may be distributed in that school year at a maximum rate averaged over all of these programs of \$3,504 per full time equivalent student and a total allocation of no more than \$371,000 for that school year.

(d) State funding for juvenile parole learning center programs may be distributed at a maximum rate averaged over all of these programs of \$1,387 per full time equivalent student and a total allocation of no more than \$560,000 for that school year, excluding funds provided through the basic education formula established in section 503 of this act.

(e) State funding for programs in county detention centers may be distributed at a maximum rate averaged over all of these programs of \$4,024 per full time equivalent student and a total allocation of no more than \$2,060,000 for that school year.

(4) The superintendent of public instruction may distribute a maximum of \$153,000 from the general fund—state appropriation to supplement moneys provided under subsections (1) through (3) of this section, for the purpose of addressing enrollment variations or other program needs.

**NEW SECTION, Sec. 507. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR TRANSITIONAL BILINGUAL PROGRAMS**

General Fund Appropriation .....	\$	11,446,000
----------------------------------	----	------------

The appropriation in this section is subject to the following conditions and limitations:

(1) \$1,174,000 is provided solely for the remaining months of the 1986–87 school year.

(2) The superintendent shall distribute funds for the 1987–88 and 1988–89 school years at a rate for each year of \$419 per eligible student.

**NEW SECTION, Sec. 508. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE LEARNING ASSISTANCE PROGRAM**

General Fund Appropriation .....	\$	58,291,000
----------------------------------	----	------------

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 House Bill No. 455 or Senate Bill No. 5909, 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. If neither bill is enacted by June 30, 1987, this subsection shall have no force or effect.

(4) If Second Substitute House Bill No. 728 is not enacted by June 30, 1987, \$10,427,000 of the appropriation in this section shall lapse, and the rate under subsection (2) of this section shall be \$346 per unit.

**NEW SECTION. Sec. 509. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS**

General Fund Appropriation . . . . . \$ 5,302,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$481,512 is provided solely for distribution to school districts for the remaining months of the 1986-87 school year.

(2) A maximum of \$2,464,320 may be expended by school district programs for highly capable students during the 1987-88 school year, distributed at a maximum rate of \$339 per student for up to one percent of each district's 1987-88 full time equivalent enrollment.

(3) A maximum of \$2,591,784 may be expended in school district programs for highly capable students in the 1988-89 school year, at a maximum rate of \$342 per student for up to one percent of each district's 1988-89 full time equivalent enrollment.

(4) A maximum of \$340,000 is provided to contract for an approved gifted program 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.

**NEW SECTION. Sec. 510. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE ENUMERATED PURPOSES**

General Fund Appropriation—Federal . . . . . \$ 123,866,000  
 (1) Education Consolidation and Improvement Act . . . . . \$ 120,554,000  
 (2) Education of Indian Children . . . . . \$ 290,000  
 (3) Adult Basic Education . . . . . \$ 3,022,000

**NEW SECTION. Sec. 511. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR VOCATIONAL-TECHNICAL INSTITUTES AND ADULT EDUCATION AT VOCATIONAL-TECHNICAL INSTITUTES**

General Fund Appropriation . . . . . \$ 77,904,000

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 \$2,902 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 \$2,944 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.

(6) \$4,100,000 is provided solely for the funding of an additional 700 FTE's per year to be distributed in accordance with the prevailing per student rates for the creation of the

Washington institute of applied technology within the Seattle area. This program shall be administered under a cooperative agreement between the Seattle school district, Seattle community college district No. 6, and the Seattle private business community. An additional \$1,500,000 is provided for equipment purchases to support this program. If Engrossed Senate Bill No. 5996 is not enacted by June 30, 1987, the amounts provided in this subsection shall lapse.

**NEW SECTION. Sec. 512. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SPECIAL AND PILOT PROGRAMS**

General Fund Appropriation—State . . . . .	\$	12,659,000
General Fund Appropriation—Federal . . . . .	\$	4,000,000
Total Appropriation . . . . .	\$	16,659,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$855,000 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. The Pacific Science Center shall encourage the equitable distribution of program activities state-wide. The center shall also determine the extent to which the state-wide need for science enrichment for K-12 students and teachers is being met by the outreach programs partially funded by this appropriation. The Pacific Science Center shall examine the geographical and demographic distribution of the populations served by these activities and recommend methods for efficiently reaching underserved student and teacher populations. These findings and recommendations shall be reported to the legislature by July 1, 1988.

(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.

(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 or Substitute Senate Bill No. 5476. If neither bill is enacted by June 30, 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 or Substitute House Bill No. 457. If neither bill is enacted by June 30, 1987, this amount shall lapse.

(6) \$2,900,000 of the general fund—state appropriation is provided solely for the beginning teachers assistance program established under House Bill No. 485 or Substitute Senate Bill No. 5622. If neither bill is enacted by June 30, 1987, this amount shall lapse.

(7) \$1,600,000 of the general fund—state appropriation is provided solely for grants to public or private nonprofit organizations for scholarships or support services, including but not limited to child care or transportation, for parents of children in headstart or early childhood education and assistance programs who are enrolled in adult literacy classes or tutoring programs under Substitute Senate Bill No. 5476 or Engrossed Second Substitute House Bill No. 456. If neither bill is enacted by June 30, 1987, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 513. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR EDUCATIONAL CLINICS**

General Fund Appropriation . . . . .	\$	2,326,000
--------------------------------------	----	-----------

The appropriation in this section is subject to the following conditions and limitations: Not more than \$1,088,000 of this appropriation shall be expended during fiscal year 1988.

**NEW SECTION. Sec. 514. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PUPIL TRANSPORTATION**

General Fund Appropriation . . . . .	\$	217,528,000
--------------------------------------	----	-------------

The appropriation in this section is subject to the following conditions and limitations:

(1) \$20,272,000 is provided solely for distribution to school districts for the remaining months of the 1986-87 school year.

(2) A maximum of \$96,075,000 may be distributed for pupil transportation operating costs in the 1987-88 school year.

(3) A maximum of \$800,000 may be expended for regional transportation coordinators.

(4) A maximum of \$60,000 may be expended for bus driver training.

**NEW SECTION. Sec. 515. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR TRAFFIC SAFETY EDUCATION PROGRAMS**

Public Safety and Education Account Appropriation . . . . .	\$	13,391,000
---	----	------------

The appropriation in this section is subject to the following conditions and limitations: Not more than \$565,000 may be expended for regional traffic safety education coordinators.

**NEW SECTION. Sec. 516. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL FOOD SERVICE PROGRAMS**

General Fund Appropriation—State . . . . .	\$	6,000,000
General Fund Appropriation—Federal . . . . .	\$	68,154,000
Total Appropriation . . . . .	\$	74,154,000



**NEW SECTION. Sec. 517. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL DISTRICT SUPPORT**

General Fund Appropriation—State .....	\$	1,291,000
General Fund Appropriation—Federal .....	\$	4,677,000
Total Appropriation .....	\$	5,968,000

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) \$145,000 of the general fund—state appropriation is provided solely for teacher training workshops conducted by the Pacific Science Center.
- (3) \$877,000 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.

**NEW SECTION. Sec. 518. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR ENCUMBRANCES OF FEDERAL GRANTS**

General Fund Appropriation—Federal .....	\$	24,085,000
--	----	------------

**NEW SECTION. Sec. 519. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE STATE SCHOOL FOR THE DEAF**

General Fund Appropriation—State .....	\$	9,613,000
General Fund Appropriation—Federal .....	\$	148,000
Total Appropriation .....	\$	9,761,000

**NEW SECTION. Sec. 520. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE STATE SCHOOL FOR THE BLIND**

General Fund Appropriation .....	\$	5,201,000
----------------------------------	----	-----------

**NEW SECTION. Sec. 521. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—LOCAL EFFORT ASSISTANCE**

General Fund Appropriation .....	\$	21,510,000
----------------------------------	----	------------

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 Senate Bill No. 5909 or House Bill No. 455. If neither bill is enacted by June 30, 1987, this appropriation shall lapse.

**PART VI  
HIGHER EDUCATION**

**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 602 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 .....	\$	7,926
Washington State University .....	\$	6,586
Central Washington University, Eastern Washington University, The Evergreen State College, and Western Washington University:		
The first 3000 FTE Students .....	\$	5,985
Each Student over 3000 FTE .....	\$	3,960
State Board for Community College Education .....	\$	2,837

(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;

(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; and

(j) The annual faculty turnover rates experienced by the institution or the system.

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) 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. The amounts are to be administered by the lead administrative minority organization at each of the four-year public institutions. At least \$147,000 of the amount appropriated to the University of Washington shall go to increase the efforts of the math, engineering, and science achievement program.

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

(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 departmental 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) 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 602 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	\$	540,499,000
----------------------------	----	-------------

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 literary tutor coordination project.

**NEW SECTION. Sec. 603. FOR THE UNIVERSITY OF WASHINGTON**

General Fund Appropriation	\$	525,363,000
Medical Aid Fund Appropriation	\$	2,553,000
Accident Fund Appropriation	\$	2,553,000
Death Investigations Account Appropriation	\$	594,000
Total Appropriation	\$	531,063,000

The appropriations in this section are subject to the following conditions and limitations:

(1) At least \$3,000,000 shall be spent to increase state funded applied research and public policy studies.

(2) A maximum of \$1,504,000 shall be spent to enlarge the dimensions of the international studies program focusing on the Pacific Rim.

(3) A maximum of \$75,000 shall be spent to enable the University of Washington to identify suitable spaces in its vicinity 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.

(4) The university shall conduct research on the health and safety hazards of video display terminals in the workplace. No more than \$75,000 shall be expended for this purpose.

(5) \$400,000 of the general fund appropriation is provided solely to conduct a study of the potential environmental and economic impacts of oil and mineral exploration off the coast of Washington.

**NEW SECTION. Sec. 604. FOR WASHINGTON STATE UNIVERSITY**

General Fund Appropriation	\$	287,549,000
----------------------------	----	-------------

The appropriation in this section is subject to the following conditions and limitations:

(1) \$750,000 is provided solely to enhance and operate the Washington higher education telecommunications system (WHETS) for the purpose of allowing the delivery of university courses directly to Spokane, Vancouver, Seattle, and the Tri-Cities.

(2) \$500,000 is provided solely for increasing upper division and graduate level programming at the Southwest Washington joint center for education.

**NEW SECTION. Sec. 605. FOR EASTERN WASHINGTON UNIVERSITY**

General Fund Appropriation	\$	81,622,000
----------------------------	----	------------

**NEW SECTION. Sec. 606. FOR CENTRAL WASHINGTON UNIVERSITY**

General Fund Appropriation	\$	69,376,000
----------------------------	----	------------

The appropriation in this section is subject to the following conditions and limitations: \$310,000 is provided solely to assist Central Washington University's school of business in achieving accreditation.

**NEW SECTION. Sec. 607. FOR THE EVERGREEN STATE COLLEGE**

General Fund Appropriation	\$	39,875,000
----------------------------	----	------------

The appropriation in this section is subject to the following conditions and limitations:

(1) \$40,000 is provided solely to the institute for public policy to complete a comprehensive hydropower study. The study shall: (a) Be developed in consultation with the legislature and appropriate state agencies; (b) be completed by December 1, 1987; and (c) result in recommendations for a state hydropower plan for the balanced protection and development of the state's waterways.

(2) \$200,000 is provided solely for a labor center which will serve as a mechanism for offering labor-related short courses and seminars in continuing education. The college shall endeavor to obtain additional funds for the center from nonstate funds.

**NEW SECTION, Sec. 608. FOR WESTERN WASHINGTON UNIVERSITY**

General Fund Appropriation .....	\$	87,842,000
<b>NEW SECTION, Sec. 609. FOR THE HIGHER EDUCATION COORDINATING BOARD</b>		
General Fund Appropriation—State .....	\$	52,302,000
General Fund Appropriation—Federal .....	\$	3,471,000
State Educational Grant Appropriation .....	\$	40,000
Total Appropriation .....	\$	55,813,000

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) \$650,000 of the general fund—state appropriation is provided solely for 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 projects submitted for educational improvements in one or more of the areas listed below in priority order:

(a) The quality of the teaching and learning environment at the undergraduate level;

(b) The assessment of the effectiveness of institutions in achieving educational goals;

(c) The number of students from targeted populations participating at and matriculating from institutions of higher education;

(d) 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 program. The grants shall not be used to supplant funds currently available for such purposes.

**NEW SECTION, Sec. 610. FOR WASHINGTON STATE LIBRARY**

General Fund Appropriation—State .....	\$	9,280,000
General Fund Appropriation—Federal .....	\$	4,399,000
General Fund Appropriation—Private/Local .....	\$	634,000
Western Library Network Computer System Revolving Fund Approp- riation—Private/Local .....	\$	12,556,000
Total Appropriation .....	\$	26,869,000

**NEW SECTION, Sec. 611. FOR THE COMPACT FOR EDUCATION**

General Fund Appropriation .....	\$	85,000
----------------------------------	----	--------

**NEW SECTION, Sec. 612. FOR THE COMMISSION FOR VOCATIONAL EDUCATION**

General Fund Appropriation—State .....	\$	4,607,000
General Fund Appropriation—Federal .....	\$	22,562,000
Total Appropriation .....	\$	27,169,000

The appropriations in this section are subject to the following conditions and limitations: No state funds may be used by the advisory council for vocational education.

**NEW SECTION, Sec. 613. FOR THE HIGHER EDUCATION PERSONNEL BOARD**

Higher Education Personnel Board Service Fund Appropriation .....	\$	1,947,000
---	----	-----------

**NEW SECTION, Sec. 614. FOR THE WASHINGTON STATE ARTS COMMISSION**

General Fund Appropriation—State .....	\$	4,009,000
General Fund Appropriation—Federal .....	\$	780,000
Total Appropriation .....	\$	4,789,000

The appropriations in this section are subject to the following conditions and limitations: A maximum of \$600,000 of the general fund—state appropriation may be spent on a state-wide stabilization program for arts organizations which have annual budgets exceeding \$200,000.

**NEW SECTION, Sec. 615. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

General Fund Appropriation .....	\$	863,000
----------------------------------	----	---------

The appropriation in this section is subject to the following conditions and limitations:

(1) \$70,000 is provided solely for costs of the Smithsonian Institution's "Magnificent Voyagers" exhibit.

(2) \$83,000 is provided solely to fund an assistant director position to assist in the implementation of the society's long-range plan. The plan includes, but is not limited to, increasing private funds to support operational costs, achieving national accreditation, and improving current programs.

**NEW SECTION, Sec. 616. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY**

General Fund Appropriation—State .....	\$	685,000
General Fund Appropriation—Federal .....	\$	88,000
Total Appropriation .....	\$	773,000

NEW SECTION, Sec. 617. FOR THE STATE CAPITOL HISTORICAL ASSOCIATION

General Fund Appropriation .....	\$	746,000
State Capitol Historical Association Museum Account Appropriation .....	\$	117,000
Total Appropriation .....	\$	863,000

PART VII

SPECIAL APPROPRIATIONS

NEW SECTION, Sec. 701. FOR THE GOVERNOR—COMPENSATION SALARY AND INSURANCE BENEFITS

General Fund Appropriation—State .....	\$	70,741,000
General Fund Appropriation—Federal .....	\$	12,877,000
Special Fund Salary and Insurance Contribution		
Increase Revolving Fund Appropriation .....	\$	46,072,000
Total Appropriation .....	\$	129,690,000

The appropriations in this section, or so much thereof as may be necessary, shall be expended exclusively for the purposes designated in this section and are subject to the conditions and limitations specified in this section.

(1) \$55,577,000 of the general fund—state appropriation, \$12,877,000 of the general fund—federal appropriation, and \$34,025,000 of the special fund salary and insurance contribution increase revolving fund appropriation are provided for a 2.65 percent or \$50 per month, whichever is greater, salary increase effective September 1, 1987, and an additional 2.65 percent or \$50 per month, whichever is greater, salary increase effective September 1, 1988, for state personnel board classified and exempt employees, higher education personnel board classified employees, and higher education exempt employees employed by the higher education coordinating board and the higher education personnel board. These increases shall be implemented in compliance and conformity with all requirements of the comparable worth agreement ratified by 1986 Senate Concurrent Resolution No. 126.

(2) \$164,000 of the general fund—state appropriation and \$2,747,000 of the special fund salary and insurance contribution increase revolving fund appropriation are provided for a three percent salary increase effective September 1, 1987, followed by an additional three percent salary increase effective September 1, 1988, for commissioned officers of the Washington state patrol.

(3) The governor shall allocate to state agencies from the general fund—state appropriation \$5,000,000 for fiscal year 1988 and \$10,000,000 for fiscal year 1989, and from the special fund salary and insurance contribution increase revolving fund appropriation \$3,100,000 for fiscal year 1988 and \$6,200,000 for fiscal year 1989 to fulfill the 1987-89 obligations of the comparable worth agreement ratified by 1986 Senate Concurrent Resolution No. 126.

(4) (a) The monthly contributions for insurance benefits shall not exceed \$167.00 per eligible employee.

(b) Any returns of funds to the state employees' insurance board resulting from favorable claims experienced during the 1987-89 biennium shall be held in reserve within the state employees insurance fund until appropriated by the legislature.

(c) Funds provided under this section, including funds resulting from dividends or refunds, shall not be used to increase employee insurance benefits over the level of services provided on the effective date of this act. Contributions by any county, municipal, or other political subdivision to which coverage is extended after the effective date of this act shall not receive the benefit of any surplus funds attributable to premiums paid prior to the date on which coverage is extended.

(5) To facilitate the transfer of moneys from dedicated funds and accounts, the state treasurer is directed to transfer sufficient moneys from each dedicated fund or account to the special fund salary and insurance contribution increase revolving fund in accordance with schedules provided by the office of financial management.

(6) In calculating individual agency allocations for this section, the office of financial management shall calculate the allocation of each subsection separately. The separate allocations for each agency may be combined under a single appropriation code for improved efficiency. The office of financial management shall transmit a list of agency allocations by subsection to the committees on ways and means of the senate and house of representatives.

NEW SECTION, Sec. 702. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—CONTRIBUTIONS TO RETIREMENT SYSTEMS

The appropriations in this section are subject to the following conditions and limitations: The appropriations shall be made on a quarterly basis.

(1) There is appropriated for state contributions to the law enforcement officers' and fire fighters' retirement system.

	FY 1988	FY 1989
General Fund Appropriation .....	\$	15,400,000
Revenue Accrual Account Appropriation .....	\$	47,300,000
Total Appropriation .....	\$110,000,000	

(2) There is appropriated for contributions to the judicial retirement system an amount sufficient to meet the cash flow requirements of all benefit payments made during the 1987-89 biennium.

	FY 1988	FY 1989
General Fund Appropriation .....	\$ 1,350,000	1,350,000
Total Appropriation .....	\$2,700,000	

(3) There is appropriated for contributions to the judges retirement system an amount sufficient to meet the cash flow requirements of all benefit payments made during the 1987-89 biennium.

	FY 1988	FY 1989
General Fund Appropriation .....	\$ 800,000	800,000
Total Appropriation .....	\$1,600,000	

(4) The initial employer contribution rates to the retirement systems are specified in this subsection and are stated as percentages of the office of the state actuary's 1987-1989 statutory budget recommendations to the governor:

(a) The public employees' retirement system, plan I, 65.9978 percent, and the public employees' retirement system, plan II, 76.4858 percent;

(b) The teachers' retirement system, plan I, 62.507 percent; and the teachers' retirement system, plan II, 75.9134 percent; and

(c) The Washington state patrol retirement system, 100 percent.

**NEW SECTION, Sec. 703. FOR THE OFFICE OF FINANCIAL MANAGEMENT—CONTRIBUTIONS TO RETIREMENT SYSTEMS**

	FY 1988	FY 1989
General Fund Appropriation .....	\$ 1,300,000	1,300,000
Total Appropriation .....	\$2,600,000	

The appropriations in this section are subject to the following conditions and limitations:

(1) \$600,000 of the general fund—state appropriation shall be distributed to state agencies for the purpose of additional contributions required for the public employees' retirement system as a result of Senate Bill No. 5150.

(2) \$2,000,000 of the general fund—state appropriation shall be distributed to the superintendent of public instruction for the purpose of additional contributions required for the teachers' retirement system as a result of Senate Bill No. 5150.

(3) If Senate Bill No. 5150 is not enacted by June 30, 1987, the appropriations in this section shall lapse.

**NEW SECTION, Sec. 704. FOR THE GOVERNOR—EMERGENCY FUND**

General Fund Appropriation—State .....	\$ 2,000,000
--	--------------

The appropriation in this section is for the governor's emergency fund to be allocated for the carrying out of the critically necessary work of any agency.

**NEW SECTION, Sec. 705. FOR THE GOVERNOR—UNIFIED BUSINESS IDENTIFIER**

General Fund Appropriation .....	\$ 2,984,000
Accident Fund Appropriation .....	\$ 281,000
Medical Aid Fund Appropriation .....	\$ 281,000
Total Appropriation .....	\$ 3,546,000

**NEW SECTION, Sec. 706. FOR THE GOVERNOR—STATE AND LOCAL CONTROLLED SUBSTANCES ENFORCEMENT ASSISTANCE**

General Fund Appropriation—Federal .....	\$ 3,557,000
--	--------------

**NEW SECTION, Sec. 707. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—TRANSFERS**

General Fund Appropriation: For transfer to the Department of Retirement Systems Expense Fund .....	\$ 19,000
---	-----------

Motor Vehicle Fund—State Patrol Highway Account Appropriation: For transfer to the Department of Retirement Systems Expense Fund .....	\$ 92,300
--	-----------

**NEW SECTION, Sec. 708. FOR THE STATE TREASURER—TRANSFERS**

General Fund Appropriation: For transfer to the Institutional Impact Account .....	\$ 316,600
--	------------

General Government Special Revenue Fund—State Treasurer's Service Account Appropriation: For transfer to the general fund on or before July 20, 1989, an amount up to \$5,000,000 in excess of the cash requirements in the State Treasurer's Service Account for fiscal year 1990, for credit to the fiscal year in which earned .....	\$ 5,000,000
---	--------------

Charitable, Educational, Penal and Reformatory Institutions Account Appropriations: For transfer to the Resource Management Cost Account to the extent that funds are available as determined by the department of natural resources. The department shall provide the state treasurer with a schedule of such transfers .....	\$ 3,000,000
--	--------------

General Fund Appropriation: For transfer to the Natural Resources Fund—Water Quality Account .....	\$ 7,913,300
--	--------------

General Fund Appropriation: For transfer to the Miscellaneous Fund—Tort Claims Revolving Fund .....	\$	2,500,000
State Patrol Services Account: For transfer to the State Patrol Highway Account .....	\$	8,089,000
Employment Security Fund—Deferred Compensation Revolving Fund: For transfer to the Motor Vehicle Fund .....	\$	861,000

NEW SECTION, Sec. 709. FOR SUNDRY CLAIMS

The following sums, or so much thereof as are necessary, are appropriated from the general fund, unless otherwise indicated, for the payment of court judgments and for relief of various individuals, firms, and corporations for sundry claims. These appropriations are to be disbursed on vouchers approved by the director of the department of general administration, except as otherwise provided, as follows:

(1) In settlement of all claims for expenses in State v. Blanusa, Superior Court for Pierce County, Judgment No. 85-1-00253-1, pursuant to RCW 9.01.200, including interest .....	\$	16,057.00
(2) Terence R. Whitten, payment of judgment in State v. Black, Superior Court for Spokane County, Cause No. 247104 .....	\$	92,020.00
(3) Richard D. McWilliams, payment of judgment in State v. Black, Superior Court for Spokane County, Cause No. 247104 .....	\$	68,835.00
(4) In settlement of all claims for expenses in State v. Austin, Superior Court for Thurston County, Judgment No. 85-1-00497-7, pursuant to RCW 9.01.200, including interest .....	\$	10,213.00
(5) In settlement of all claims for expenses in City of Bellevue v. Irons, Superior Court for King County, Judgment No. 86-1-03095-2, pursuant to RCW 9.01.200, including interest .....	\$	27,888.00
(6) In settlement of all claims for expenses in State v. Striegel, South District Court of Snohomish County, Judgment No. 86-07847, pursuant to RCW 9.01.200, including interest .....	\$	5,926.00
(7) In settlement of all claims for expenses in State v. Shirley, Cascade District Court of Snohomish County, Judgment No. SCS-58916, pursuant to RCW 9.01.200, including interest .....	\$	1,623.00
(8) In settlement of all claims for expenses in City of Wenatchee v. Pedersen, District Court of Chelan County, Judgment No. 6723 WPD, pursuant to RCW 9.01.200, including interest .....	\$	1,432.00
(9) In settlement of all claims for expenses in State v. Enemark, District Court # 1 of Pierce County, Judgment No. 85-6-52377-3, pursuant to RCW 9.01.200, including interest .....	\$	5,334.00
(10) In settlement of all claims for expenses in State v. Thompson, Superior Court of Spokane County, Judgment No. 82-1-0064-7, pursuant to RCW 9.01.200, including interest .....	\$	5,626.00
(11) Compensation to the following for all pending claims of damage to crops by game: PROVIDED, That payment shall be made from the Game Fund:		
(a) Kenneth Allen Hammond .....	\$	1,272.00
(b) Rudy Eitzkorn .....	\$	4,200.00
(c) Joe C. Grentz .....	\$	14,261.00
(12) Department of social and health services, for payment of retroactive salary increases as required in Washington Federation of State Employees v. State Personnel Board, superior Court of Thurston County, Order No. 80-2-00966-1: PROVIDED, That to the extent that federal financial participation is available, the department shall apply such funds before using this appropriation .....	\$	10,970,000.

NEW SECTION, Sec. 710. FOR BELATED CLAIMS

(1) There is appropriated to the office of financial management for payment of supplies and services furnished in previous biennia, from the General Fund .....

(2) The following sums, or so much thereof as shall severally be found necessary, are hereby appropriated and authorized to be expended out of the several funds indicated, for the period from the effective date of this act to June 30, 1989, except as otherwise noted.

To reimburse the general fund for expenditures from belated claims appropriations to be disbursed on vouchers approved by the office of financial management:

Medical Disciplinary Account .....	\$	4,655
Institutional Impact Account .....	\$	36,816
Architects' License Account .....	\$	1,062
Cemetery Account .....	\$	45
Hazardous Waste Control and Elimination Account .....	\$	6
Public Safety and Education Account .....	\$	31,011
Health Professions Account .....	\$	13,465

Professional Engineers' Account	\$	81
Real Estate Commission Account	\$	623
Reclamation Revolving Account	\$	14
State Investment Board Expense Account	\$	134
Capitol Building Construction Account	\$	55,831
Motor Transport Account	\$	9,665
State Capitol Historical Association Museum Account	\$	76
Resource Management Cost Account	\$	7,684
Capitol Purchase and Development Account	\$	16,603
Litter Control Account	\$	358
State and Local Improvements Revolving Account (Waste Disposal Facilities)	\$	12
State Building Construction Account	\$	67,372
Outdoor Recreation Account	\$	268
State Social and Health Services Construction Account	\$	1,142
Grade Crossing Protective Fund	\$	79,466
State Patrol Highway Account	\$	45,879
Motorcycle Safety Education Fund	\$	7,725
Nursery Inspection Fund	\$	38
Seed Fund	\$	347
Electrical License Fund	\$	1,727
State Game Fund	\$	64,064
Highway Safety Fund	\$	6,297
Motor Vehicle Fund	\$	24,572
Public Service Revolving Fund	\$	5,418
State Treasurer's Service Fund	\$	1,561
Legal Services Revolving Fund	\$	9,650
Municipal Revolving Fund	\$	4,146
General Administration Facilities and Services Revolving Fund	\$	6,140
Department of Personnel Service Fund	\$	366
Higher Education Personnel Board Service Fund	\$	331
State Employees' Insurance Fund	\$	499
State Auditing Services Revolving Fund	\$	3,028
Liquor Revolving Fund	\$	4,629
Department of Retirement Systems Expense Fund	\$	10,264
Accident Fund	\$	29,386
Medical Aid Fund	\$	29,232
Western Library Network Computer System Revolving Fund	\$	30,443
Pressure Systems Safety Fund	\$	196
<u>NEW SECTION. Sec. 711. FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION</u>		
General Fund Appropriation for fire insurance premiums tax distribu- tion	\$	5,752,350
General Fund Appropriation for public utility district excise tax distribu- tion	\$	24,030,700
General Fund Appropriation for prosecuting attorneys' salaries	\$	1,949,834
General Fund Appropriation for motor vehicle excise tax distribution	\$	59,085,000
General Fund Appropriation for local mass transit assistance	\$	168,100,000
General Fund Appropriation for camper and travel trailer excise tax distribution	\$	1,778,600
Aquatic Lands Enhancement Account Appropriation for harbor improvement revenue distribution	\$	60,000
Liquor Excise Tax Fund Appropriation for liquor excise tax distribu- tion	\$	17,806,950
Motor Vehicle Fund Appropriation for motor vehicle fuel tax and overload penalties distribution	\$	272,648,602
Liquor Revolving Fund Appropriation for liquor profits distribution	\$	36,600,000
Timber Tax Distribution Account Appropriation for distribution to "Timber" counties	\$	35,424,000
Municipal Sales and Use Tax Equalization Account Appropriation	\$	31,815,000
County Sales and Use Tax Equalization Account Appropriation	\$	11,000,000
Death Investigations Account Appropriation for distribution to coun- ties for public funded autopsies	\$	592,000
Total Appropriation	\$	666,643,036
<u>NEW SECTION. Sec. 712. FOR THE STATE TREASURER—FEDERAL REVENUES FOR DISTRIBUTION</u>		
Forest Reserve Fund Appropriation for federal forest reserve fund dis- tribution	\$	58,414,601



General Fund Appropriation for federal flood control funds distribution .....	\$	24,000
General Fund Appropriation for federal grazing fees distribution .....	\$	50,000
Geothermal Account Appropriation—Federal .....	\$	60,000
General Fund Appropriation for distribution of federal funds to counties in conformance with Public Law 97-99 .....	\$	300,000
Total Appropriation .....	\$	58,848,601
<b>NEW SECTION, Sec. 713. FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST.</b>		
<b>INCLUDING ONGOING BOND REGISTRATION AND TRANSFER CHARGES</b>		
Fisheries Bond Redemption Fund 1977 Appropriation .....	\$	1,280,467
Salmon Enhancement Bond Redemption Fund 1977 Appropriation .....	\$	5,479,684
Higher Education Refunding Bond Redemption Fund 1977 Appropriation .....	\$	8,773,875
Fire Service Training Center Bond Retirement Fund 1977 Appropriation .....	\$	1,619,731
Highway Bond Retirement Fund Appropriation .....	\$	171,910,324
Indian Cultural Center Construction Bond Redemption Fund 1976 Appropriation .....	\$	233,575
Higher Education Bond Redemption Fund 1977 Appropriation .....	\$	19,528,417
Ferry Bond Retirement Fund 1977 Appropriation .....	\$	25,627,988
Emergency Water Projects Bond Retirement Fund 1977 Appropriation .....	\$	2,604,490
Public School Building Bond Redemption Fund 1965 Appropriation .....	\$	1,238,790
Spokane River Toll Bridge Account Appropriation .....	\$	889,088
Higher Education Bond Retirement Fund 1979 Appropriation .....	\$	10,736,990
State General Obligation Bond Retirement Fund 1979 Appropriation .....	\$	327,069,045
Fisheries Bond Redemption Fund 1976 Appropriation .....	\$	764,034
State Building Bond Redemption Fund 1967 Appropriation .....	\$	656,800
Community College Capital Construction Bond Redemption Fund 1975, 1976, 1977 Appropriation .....	\$	11,423,031
Common School Building Bond Redemption Fund 1967 Appropriation .....	\$	6,890,745
Outdoor Recreation Bond Redemption Fund 1967 Appropriation .....	\$	6,292,542
Water Pollution Control Facilities Bond Redemption Fund 1967 Appropriation .....	\$	4,067,765
State Building and Higher Education Construction Bond Redemption Fund 1967 Appropriation .....	\$	10,349,392
State Building and Parking Bond Redemption Fund 1969 Appropriation .....	\$	2,448,830
Waste Disposal Facilities Bond Redemption Fund Appropriation .....	\$	57,944,960
Water Supply Facilities Bond Redemption Fund Appropriation .....	\$	11,952,815
Social and Health Services Facilities 1972 Bond Redemption Fund Appropriation .....	\$	3,705,605
Recreation Improvements Bond Redemption Fund Appropriation .....	\$	5,986,813
Community College Capital Improvement Bond Redemption Fund 1972 Appropriation .....	\$	7,499,389
State Building Authority Bond Redemption Fund Appropriation .....	\$	9,452,680
Office-Laboratory Facilities Bond Redemption Fund Appropriation .....	\$	270,900
University of Washington Hospital Bond Retirement Fund 1975 Appropriation .....	\$	1,163,924
Washington State University Bond Redemption Fund 1977 Appropriation .....	\$	559,915
Higher Education Bond Redemption Fund 1975 Appropriation .....	\$	2,165,785
State Building Bond Redemption Fund 1973 Appropriation .....	\$	3,794,144
State Building Bond Retirement Fund 1975 Appropriation .....	\$	424,780
State Higher Education Bond Redemption Fund 1973 Appropriation .....	\$	4,367,163
Social and Health Services Bond Redemption Fund 1976 Appropriation .....	\$	9,475,867
State Building (Expo 74) Bond Redemption Fund 1973A Appropriation .....	\$	372,820
Community College Refunding Bond Retirement Fund 1974 Appropriation .....	\$	9,436,996
State Higher Education Bond Redemption Fund 1974 Appropriation .....	\$	1,190,700
Total Appropriation .....	\$	749,650,859

**NEW SECTION, Sec. 714.** The appropriations contained in this act are maximum expenditure authorizations. Pursuant to RCW 43.88.037, moneys disbursed from the treasury on the basis of a formalized loan agreement with another governmental entity shall be treated as a loan and are to be recorded as loans receivable and not as expenditures for accounting purposes. To the extent that moneys are disbursed on a loan basis, the corresponding appropriation shall be reduced by the amount of loan moneys disbursed from the treasury during the 1987-89 biennium.

NEW SECTION, Sec. 715. Notwithstanding the provisions of chapter 82, Laws of 1973 1st ex. sess., the house of representatives, the senate, and the permanent statutory committees shall pay expenses quarterly to the department of general administration facilities and services revolving fund for services rendered by the department for operations, maintenance, and supplies relating to buildings, structures, and facilities utilized by the legislature for the biennium beginning July 1, 1987.

NEW SECTION, Sec. 716. Whenever allocations are made from the governor's emergency fund appropriation to an agency which is financed in whole or in part by other than general fund moneys, the director of financial management may direct the repayment of such allocated amount to the general fund from any balance in the fund or funds which finance the agency. No appropriation shall be necessary to effect such repayment.

NEW SECTION, Sec. 717. In addition to the amounts appropriated in this act for revenue for distribution, bond retirement and interest including ongoing bond registration and transfer charges, transfers, interest on registered warrants, and certificates of indebtedness, there is also appropriated such further amounts as may be required or available for these purposes under any statutory formula or under any proper bond covenant made in accordance with law.

NEW SECTION, Sec. 718. In addition to such other appropriations as are made by this act, there is hereby appropriated to the state finance committee from legally available bond proceeds in the respective construction or building funds and accounts such amounts as are necessary to pay the expenses incurred in the issuance and sale of the subject bonds.

NEW SECTION, Sec. 719. Amounts received by an agency as reimbursements pursuant to RCW 39.34.130 shall be considered as returned loans of materials supplied or services rendered. Such amounts may be expended as a part of the original appropriation of the fund to which it belongs, without further or additional appropriation, subject to conditions and procedures prescribed by the director of financial management, which shall provide for determination of full costs, disclosure of such reimbursements in the governor's budget, maximum interagency usage of data processing equipment and services, and such restrictions as will promote more economical operations of state government without incurring continuing costs beyond those reimbursed.

NEW SECTION, Sec. 720. The appropriations of moneys and the designation of funds and accounts by this and other acts of the 1987 legislature shall be construed in a manner consistent with legislation enacted by the 1985 and 1987 legislatures to conform state funds and accounts with generally accepted accounting principles.

NEW SECTION, Sec. 721. 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. 722. 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."

#### MOTION

At 6:14 p.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 6:55 p.m. by President Cherberg.

There being no objection, the Senate resumed consideration of Engrossed Substitute House Bill No. 527 and the pending Committee on Ways and Means amendment under consideration before the Senate went at ease.

#### MOTIONS

On motion of Senator McDermott, the following amendment to the Committee on Ways and Means amendment was adopted:

On page 2, line 16, after "December 20," strike "1985" and insert "1987"

On motion of Senator McDermott, the following amendment to the Committee on Ways and Means amendment was adopted:

On page 14, line 23, strike "17,948,000" and insert "18,278,000"

Senator McDermott moved that the following amendments to the Committee on Ways and Means amendment be considered simultaneously and adopted:

On page 16, line 10, strike "168,517,000" and insert "164,917,000"

On page 16, line 11, strike "58,552,000" and insert "57,552,000"

On page 16, line 12, strike "227,069,000" and insert "222,469,000"

Debate ensued.

Senator Bottiger demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendments by Senator McDermott to the Committee on Ways and Means amendment.

#### ROLL CALL

The Secretary called the roll and the motion by Senator McDermott failed and the amendments to the committee amendment were not adopted by the following vote: Yeas, 23; nays, 24; absent, 2.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Kreidler, McDermott, Moore, Peterson, Rasmussen, Rinehart, Smitherman, Stratton, Talmadge, Tanner, Vognild, Warnke, Williams, Wojahn - 23.

Voting nay: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Patterson, Pullen, Saling, Sellar, von Reichbauer, West, Zimmerman - 24.

Absent: Senators Hansen, Owen - 2.

#### MOTION

Senator McDermott moved that the following amendments to the Committee on Ways and Means amendment not be adopted:

On page 16, line 10, strike "168,517,000" and insert "162,217,000"

On page 16, line 11, strike "58,552,000" and insert "56,552,000"

On page 16, line 12, strike "227,069,000" and insert "218,769,000"

#### MOTION

Senator Bottiger moved that the amendments by Senator McDermott on page 16, lines 10, 11 and 12, to the Committee on Ways and Means amendment be considered simultaneously and adopted.

Debate ensued.

Senator Bottiger demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendments by Senator McDermott to the Committee on Ways and Means amendment.

#### MOTION

On motion of Senator Bender, Senator Owen was excused.

#### ROLL CALL

The Secretary called the roll and the motion by Senator Bottiger failed and the amendments to the committee amendment were not adopted by the following vote: Nays, 48; excused, 1.

Voting nay: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Owen - 1.

#### MOTIONS

On motion of Senator McDermott, the following amendments to the Committee on Ways and Means amendment were considered simultaneously and adopted:

On page 16, line 10, strike "168,517,000" and insert "168,484,000"

On page 16, line 12, strike "227,069,000" and insert "227,036,000"

On page 19, line 8, strike "120,909,000" and insert "120,868,000"

On page 19, line 11, strike "165,102,000" and insert "165,061,000"

Senator McDermott moved that the following amendments to the Committee on Ways and Means amendment be considered simultaneously and adopted:

On page 24, line 3, strike "334,036,000" and insert "325,436,000"

On page 24, line 4, strike "333,836,000" and insert "330,836,000"

On page 24, line 5, strike "667,872,000" and insert "656,272,000"

#### POINT OF INQUIRY

Senator Rasmussen: "Senator McDermott, we've been making a number of technical changes, apparently, by computer. I don't know who made them, or

where, or what. Somebody had their thumb on something instead of the middle finger or something, and then we cut \$3,600,000 off of the daycare by computer, too. I'm beginning to wonder about those computers and from what you are telling me, maybe we better take another day or two and really take a look at the computers and put a little oil on them and see if we can come up with the right figures. I had a lot of confidence going into this. I'm losing it. I certainly don't want to be cutting daycare or cutting chore services. If it's a computer mistake, that's one thing, but if we are going to take it away from somebody who needs it, that's another thing. What I am not sure of, how much can you guarantee me that the computer is correct? Do you know why these mistakes are made or who's making them or what? I know you are playing around with the Republicans, but they are not dumb. It's the computers that are dumb."

Senator McDermott: "Senator Rasmussen, you may know the phrase, 'garbage in, garbage out', is the computer language for that. The fact is that when you rely on computers to make your decisions all kinds of bad things happen. The changes we have made have all been made by staff who have looked at the program, who looked at the numbers and are very sure they are doing what they say they are doing. If you rely on computers, who knows how far you might get off."

Senator Rasmussen: "I am glad you said that Senator McDermott. I have one or two mistakes that I am going to work on later."

Further debate ensued.

Senator McDermott demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendments by Senator McDermott to the Committee on Ways and Means amendment.

#### ROLL CALL

The Secretary called the roll and the motion by Senator McDermott failed and the amendments to the committee amendment were not adopted by the following vote: Nays, 48; excused, 1.

Voting nay: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Owen - 1.

#### MOTIONS

On motion of Senator McDermott, the following amendment to the Committee on Ways and Means amendment was adopted:

On page 42, line 7, after "(4)" delete "\$4,400,000" and insert "\$2,400,000"

On motion of Senator McDermott, the following amendments to the Committee on Ways and Means amendment were considered simultaneously and adopted:

On page 44, line 4, delete "Liquor Revolving Fund Appropriation ... \$406,000"

On page 44, line 5, after "Appropriation..." delete "\$19,347,000" and insert "\$18,941,000"

On page 44, line 10, after "(2)" delete "The liquor revolving fund appropriation is provided" and insert "The amount received through interagency reimbursement from the liquor control board for the wine commission shall be expanded"

#### MOTION

On motion of Senator Vognild, further consideration of Engrossed Substitute House Bill No. 527 was deferred.

#### MOTION

On motion of Senator Vognild, the Senate resumed consideration of Engrossed House Bill No. 823 and the pending amendments by Senator Pullen on page 4, lines 25, 26 and 33, on page 5, line 5, on page 11, lines 8 and 15, on page 13, lines 13 and 20, on page 15, lines 8 and 15, on page 19, lines 6 and 13 and on page 23, lines 21 and 28, deferred earlier today.

Debate on the Pullen amendments ensued.

The President declared the question before the Senate to be adoption of the amendments by Senator Pullen on page 4, lines 25, 26 and 33, on page 5, line 5, on

page 11, lines 8 and 15, on page 13, lines 13 and 20, on page 15, lines 8 and 15, on page 19, lines 6 and 13 and on page 23, lines 21 and 28.

The motion by Senator Pullen carried and the amendments were adopted.

#### MOTION

On motion of Senator Pullen, the following amendments were considered simultaneously and adopted:

On page 5, line 16, after "country" insert "identified as"

On page 7, line 15, after "section," insert "The board of regents shall seek to identify other countries having apartheid policies and shall cease investments and deposits as soon as practicable after such identification."

On page 11, line 21, after "section," insert "The board of regents shall seek to identify other countries having apartheid policies and shall cease investments and deposits as soon as practicable after such identification."

On page 13, line 26, after "section," insert "The board of trustees shall seek to identify other countries having apartheid policies and shall cease investments and deposits as soon as practicable after such identification."

On page 15, line 20, after "section," insert "The board of trustees shall seek to identify other countries having apartheid policies and shall cease investments and deposits as soon as practicable after such identifications."

On page 19, line 19, after "section," insert "The board shall seek to identify other countries having apartheid policies and shall cease investments and deposits as soon as practicable after such identifications."

On page 21, line 26, after "(a)" strike all material down through "(b)" on line 28

On page 21, line 29, after "or" strike "(c)" and insert "(b)"

On page 23, line 34, after "section," insert "The treasurer shall seek to identify other countries having apartheid policies and shall cease investments and deposits as soon as practicable after such identification."

#### MOTION

On motion of Senator Vognild, the rules were suspended, Engrossed House Bill No. 823, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### MOTION

On motion of Senator Zimmerman, Senator Patterson was excused.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 823, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 823, as amended by the Senate, and the bill failed to pass the Senate by the following vote: Yeas, 23; nays, 23; absent, 1; excused, 2.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson, Kreidler, McDermott, Peterson, Pullen, Rinehart, Smitherman, Talmadge, Tanner, Vognild, Warnke, Williams, Wojahn - 23.

Voting nay: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Moore, Nelson, Rasmussen, Saling, Sellar, Stratton, von Reichbauer, West, Zimmerman - 23.

Absent: Senator Newhouse - 1.

Excused: Senators Owen, Patterson - 2.

ENGROSSED HOUSE BILL NO. 823, as amended by the Senate, having failed to receive the constitutional majority, was declared lost.

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

#### MESSAGE FROM THE HOUSE

April 6, 1987

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 5120 with the following amendment:

On page 2, line 15 after "checks" strike ", credit cards".

and the bill and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk

### MOTIONS

On motion of Senator Vognild, the Senate refuses to concur in the House amendment to Engrossed Senate Bill No. 5120 and asks the House to recede therefrom.

### MESSAGE FROM THE HOUSE

April 13, 1987

Mr. President:

The House has passed SENATE BILL NO. 5172 with the following amendments:

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."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 1, line 2 of the title, after "13.40.190;" insert "adding a new section to chapter 7.68 RCW;"

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 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".

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk



## MOTIONS

On motion of Senator Talmadge, the Senate refuses to concur in the House amendments to Senate Bill No. 5172 and asks the House to recede therefrom.

## MESSAGE FROM THE HOUSE

April 13, 1987

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 5978 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".

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTIONS

On motion of Senator Kreidler, the Senate refuses to concur in the House amendments to Substitute Senate Bill No. 5978 and asks the House to recede therefrom.

## MESSAGE FROM THE HOUSE

April 13, 1987

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 6012 with the following amendments:

On page 1, line 6 strike "open and" and insert "~~((open and))~~"

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,

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTIONS

On motion of Senator Talmadge, the Senate refuses to concur in the House amendments to Engrossed Senate Bill No. 6012 and asks the House to recede therefrom.

#### MOTION

At 7:59 p.m., on motion of Senator Vognild, the Senate adjourned until 9:00 a.m., Saturday, April 18, 1987.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

## NINETY-SEVENTH DAY

---

### MORNING SESSION

---

Senate Chamber, Olympia, Saturday, April 18, 1987

The Senate was called to order at 9:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Hayner, Kiskaddon, Moore, Owen, Patterson, Pullen and Sellar. On motion of Senator Zimmerman, Senators Kiskaddon, Patterson and Sellar were excused.

The Sergeant at Arms Color Guard, consisting of Pages Sarah McClellan and Monique Dirstine, presented the Colors. Reverend Ronald W. Hastie, pastor of the Evergreen Christian Center of Olympia, offered the prayer.

#### MOTION

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

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

### SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENT

#### MOTION

On motion of Senator Talmadge, Gubernatorial Appointment No. 9103, Lowell E. Knutson, as a member of the Board of Trustees for Seattle Community College District No. 6, was confirmed.

#### APPOINTMENT OF LOWELL E. KNUTSON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 40; absent, 6; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson, Kreidler, Lee, McDonald, Metcalf, Nelson, Newhouse, Peterson, Rasmussen, Rinehart, Saling, Smitherman, Stratton, Talmadge, Tanner, Vognil, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 40.

Absent: Senators Hayner, McCaslin, McDermott, Moore, Owen, Pullen - 6.

Excused: Senators Kiskaddon, Patterson, Sellar - 3.

#### MOTION

On motion of Senator Zimmerman, Senator Pullen was excused.

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

### MESSAGE FROM THE HOUSE

April 9, 1987

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 5097 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;"

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

On motion of Senator Williams, the Senate concurred in the House amendments to Engrossed Senate Bill No. 5097.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 5097, as amended by the House.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 5097, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Peterson, Rasmussen, Rinehart, Saling, Smitherman, Stratton, Talmadge, Tanner, Vogndl, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 45.

Excused: Senators Kiskaddon, Patterson, Pullen, Sellar - 4.

ENGGROSSED 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.

## MESSAGE FROM THE HOUSE

April 9, 1987

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 5113 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 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."

and the bill and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Hansen, the Senate concurred in the House amendment to Substitute Senate Bill No. 5113.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5113, as amended by the House.

## ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5113, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; nays, 2; absent, 1; excused, 3.

Voting yeas: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Smitherman, Stratton, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 43.

Voting nay: Senators Bluechel, Talmadge - 2.

Absent: Senator McDermott - 1.

Excused: Senators Kiskaddon, Pullen, Sellar - 3.

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 HOUSE

April 9, 1987

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 5123 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."

Renumber the sections following consecutively and correct internal references accordingly.

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 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 2 of the title, after "47.42.020" insert ", 47.42.046,"

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

Senator Hansen moved that the Senate do concur in the House amendments to Substitute Senate Bill No. 5123.

Debate ensued.

#### POINT OF INQUIRY

Senator Rasmussen: "Senator Hansen, are they going to establish by rule and regulation, so that we would have some uniformity in the application of the law? I have no objection to the law if there is a requirement that they establish--so that someone couldn't say, 'well, you know so and so on the Highway Commission and you got your sign raised and I didn't.' That's what I am concerned with."

Senator Hansen: "Senator Rasmussen, the reason they put that case to case basis in there, is that some signs--depending on the contour of the road and the sign--it gives them all an equal chance to compete. You can be ten feet above your building on the location, if your road is up here and the sign is down here. All it's saying is that it's on a case to case basis and they set the criteria that all of the signs will depend on the location--how high that sign can go."

Senator Rasmussen: "Thank you. We are not going to lose any federal funds then?"

Senator Hansen: "No, we're not going to lose any federal funds."

The President declared the question before the Senate to be the motion by Senator Hansen that the Senate do concur in the House amendments to Substitute Senate Bill No. 5123.

The motion by Senator Hansen carried and the Senate concurred in the House amendments to Substitute Senate Bill No. 5123.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5123, as amended by the House.

## ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5123, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; nays, 2; absent, 1; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Smitherman, Stratton, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 43.

Voting nay: Senators Bluechel, Talmadge - 2.

Absent: Senator McDermott - 1.

Excused: Senators Kiskaddon, Pullen, Sellar - 3.

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.

## MESSAGE FROM THE HOUSE

April 13, 1987

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5143 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 re-enacted 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."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

On motion of Senator Talmadge, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 5143.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 5143, as amended by the House.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 5143, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; absent, 1; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDonald, Metcalfe, Moore, Nelson, Newhouse,



Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 85.

Absent: Senator McDermott - 1.

Excused: Senators Kiskaddon, Pullen, Sellar - 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.

MESSAGE FROM THE HOUSE

April 13, 1987

Mr. President:

The House has passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5501 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";

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Bottiger, further consideration of Engrossed Second Substitute Senate Bill No. 5501 was deferred.

MESSAGE FROM THE HOUSE

April 9, 1987

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 5561, 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:

~~((+))~~ (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."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Smitherman, further consideration of Substitute Senate Bill No. 5561 was deferred.

## MESSAGE FROM THE HOUSE

April 9, 1987

Mr. President:

The House has passed SENATE BILL NO. 5605 with the following amendment:  
On page 18, line 28 after "feet." strike all the material down to and including "miles." on line 32.

and the bill and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Hansen, the Senate concurred in the House amendment to Senate Bill No. 5605.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5605, as amended by the House.

## ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5605, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; absent, 1; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Smitherman, Stratton, Talmadge, Tanner, Vogtild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 45.

Absent: Senator McDermott - 1.

Excused: Senators Kiskaddon, Pullen, Sellar - 3.

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.

## MESSAGE FROM THE HOUSE

April 9, 1987

Mr. President:

The House has passed SENATE BILL NO. 5739 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 in the manner provided in RCW 48.18.290.

(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 \_\_\_\_\_

(Seal or stamp) Notary Public .....  
 Title .....  
 My appointment expires .....

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."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Warnke, the Senate concurred in the House amendments to Senate Bill No. 5739.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5739, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5739, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarmatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 46.

Excused: Senators Kiskaddon, Pullen, Sellar - 3.

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.

There being no objection, the Senate resumed consideration of Engrossed Second Substitute Senate Bill No. 5501, deferred earlier today.

MOTION

On motion of Senator Owen, the Senate concurred in the House amendments to Engrossed Second Substitute Senate Bill No. 5501.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Second Substitute Senate Bill No. 5501, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Second Substitute Senate Bill No. 5501, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarmatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Excused: Senators Kiskaddon, Pullen - 2.

ENGROSSED SECOND 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.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5561, deferred earlier today.

## MOTION

On motion of Senator Warnke, the Senate concurred in the House amendments to Substitute Senate Bill No. 5561.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5561, as amended by the House.

## ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5561, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognil, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Excused: Senators Kiskaddon, Pullen - 2.

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.

## MOTION

At 9:52 a.m., on motion of Senator Vognil, the Senate was declared to be at ease.

The Senate was called to order at 11:04 a.m. by President Cherberg.

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

## SECOND READING

## CONFIRMATION OF GUBERNATORIAL APPOINTMENT

## MOTION

On motion of Senator Gaspard, Gubernatorial Appointment No. 9014, Jon Runstad, as a member of the Higher Education Coordinating Board, was confirmed.

## APPOINTMENT OF JON RUNSTAD

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 44; absent, 3; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, Metcalf, Nelson, Newhouse, Owen, Peterson, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognil, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 44.

Absent: Senators McDonald, Moore, Patterson - 3.

Excused: Senators Kiskaddon, Pullen - 2.

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

## MESSAGE FROM THE HOUSE

April 16, 1987

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5001 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;

~~((5))~~ (4) To report ((annually)) as may be necessary to the governor and the legislature with the council's recommendations and 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."

On page 2, line 13, after "association," strike all material through ~~((6))~~ 6 and insert:

~~((7))~~ (6) The attorney general; and

~~((7))~~ (7).



and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

### MOTION

On motion of Senator Talmadge, the Senate refuses to concur in the House amendments to Engrossed Substitute Senate Bill No. 5001 and asks the House to recede therefrom.

### MESSAGE FROM THE HOUSE

April 15, 1987

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 5163 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.

Sec. 7. Section 12, chapter 168, Laws of 1983 and RCW 43.24.086 are each amended to read as follows:

(1) It shall be the policy of the state of Washington that the cost of each professional, occupational or business licensing program be fully borne by the members of that profession, occupation or business. The director of licensing shall from time to time establish the amount of all application fees, license fees, registration fees, examination fees, permit fees, renewal fees, and any other fee associated with licensing or regulation of professions, occupations or businesses administered by the business and professions administration in the department of licensing. In fixing said fees, the director shall set the fees for each such program at a sufficient level to defray the costs of administering that program. All such fees shall be fixed by rule adopted by the director in accordance with the provisions of the administrative procedure act, chapter 34.04 RCW.

(2) Notwithstanding subsection (1) of this section, no fee for any profession with fewer than one hundred active licensees may be increased by more than one hundred dollars or fifty percent, whichever is greater, during any biennium.

NEW SECTION, Sec. 8. The following acts or 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, 18.50.140, and 43.24.086; adding a new section to chapter 18.50 RCW; and repealing RCW 43.131.297 and 43.131.298."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

Senator Vognild moved that the Senate do not concur in the House amendments to Substitute Senate Bill No. 5163 and asks the House to recede therefrom.

#### POINT OF INQUIRY

Senator Rasmussen: "Senator Wojahn, that amendment that the House put on would apparently limit fees to not more than \$100 increase or fifty percent. I have a list here in my hand where certain fees are proposed to go up from \$300 to \$2,500--acupuncturists from \$500 to \$1,900, oculists from \$300 to \$1,150, podiatrists \$100 to \$650. These are the Department of Licensing's proposed fees and it would appear to me that that amendment is trying to limit those to a reasonable amount. Why are we not concurring?"

Senator Wojahn: "We are not concurring because some of those are health care amendments and some of them are outside the scope and in another title entirely. I was going to, had I been on my toes, ask that a portion of this bill be scoped, because it is not appropriate. Some of them are not in the health care area. Some of them--one of them, the adjusters are in another area of the code, so it is out of the scope."

Senator Rasmussen: "Well, I understand that, but the proposed fees seem outrageous."

Senator Wojahn: "The proposed fees are a list that just came through from the Department of Licensing and they should have brought them to the Legislature, before the Legislature started, a new review of this and some type of amelioration of the problem. They did not do this. Therefore, we've got a group of fees out there that are outrageously high. They didn't bring them in; we couldn't do anything about it until next session or unless we went into special session."

Senator Rasmussen: "If we go into conference, we can do something about it?"

Senator Wojahn: "If we go into conference, we can attempt to do the first part, take out the debt adjusters that shouldn't be in here. We can't change the whole fee structure until the Department gives us a list."

Senator Rasmussen: "Senator Wojahn, as I read the House amendment, that puts a lid on it of \$100 or fifty percent increase."

Senator Wojahn: "For four different groups, that's all. It puts a lid on ocularists, it puts a lid on midwives, it puts a lid on debt adjusters and one other whose fees are outrageous and have gone up one thousand percent."

Further debate ensued.

#### POINT OF ORDER

Senator Wojahn: "Mr. President, I move that this bill be scoped. Before you rule, I'd like to move that we do not concur."

#### REPLY BY THE PRESIDENT

President Cherberg: "That is the motion, Senator."

#### MOTION

On motion of Senator Vognild, further consideration of Substitute Senate Bill No. 5163 was deferred.

## MESSAGE FROM THE HOUSE

April 14, 1987

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5479 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 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 1988-89 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. A new section is added to chapter 28A.03 RCW to read as follows:

(1) The superintendent of public instruction, through the state clearinghouse for education information, resources, and research, shall collect and disseminate to all school districts and other interested parties, information about: (a) Existing school or school district model programs designed to enhance students' personal confidence and contribute to increased student performance; and (b) school organizational systems, including the "home room" concept, which tend to provide the structure and time necessary for students and teachers to recognize and appreciate their respective individuality.

(2) Teachers are encouraged to utilize the resources of the office of the superintendent of public instruction, including the clearinghouse, to acquire information about the relationship between personal confidence and student development and performance.

NEW SECTION. Sec. 304. (1) Further academic research on the relationship of personal confidence to school performance and on factors which can influence student self-confidence, including class size, is critical to improving the learning environment. The state's public and private institutions of higher education and the Washington state institute for public policy are encouraged to support or undertake research on issues concerning the relationship between personal confidence and student achievement.

(2) Kindergarten through twelfth grade and higher education personnel are encouraged to apply for funds under RCW 28A.67.115 to support projects demonstrating the relationship between improved self-confidence and student performance.

NEW SECTION. Sec. 305. Section 4, chapter 422, Laws of 1985 (uncodified) is hereby repealed.

NEW SECTION. Sec. 306. Section 305 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. 307. 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 a new section to chapter 28A.03 RCW; 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."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

Senator Gaspard moved that the Senate do not concur in the House amendments to Engrossed Substitute Senate Bill No. 5479 and asks the House to recede therefrom.

#### POINT OF INQUIRY

Senator Metcalf: "Senator Gaspard, what is the House position on the master's degree?"

Senator Gaspard: "Senator Metcalf, they have backed away somewhat from the requirement of an initial certificate, but the language still, in my opinion, is very unworkable in the requirement on a master's degree for continuing education."

Senator Metcalf: "Okay, just for my position, I have opposed very vigorously the requirement of a master's degree for teaching because of reasons I've given before. If that were the only part of the thing, I would vigorously disagree with Senator Gaspard. There may be other issues you may want to refuse to concur, but on that one, I think we probably should."

Further debate ensued.

The President declared the question before the Senate to be the motion by Senator Gaspard that the Senate do not concur in the House amendments to Engrossed Substitute Senate Bill No. 5479.

The motion by Senator Gaspard carried and the Senate refuses to concur in the House amendments to Engrossed Substitute Senate Bill No. 5479 and asks the House to recede therefrom.

#### MESSAGE FROM THE HOUSE

April 15, 1987

Mr. President:

The House has passed SENATE BILL NO. 5550 with the following amendments:

On page 4, line 28 strike "if" and insert "Except for an offender who has been convicted of a violation of RCW 9A.44.040 or 9A.44.050, if"

On page 5, line 19 strike "if" and insert "Except for an offender who has been convicted of a violation of RCW 9A.44.040 or 9A.44.050, if".

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

On motion of Senator Talmadge, the Senate refuses to concur in the House amendments to Senate Bill No. 5550 and asks the House to recede therefrom.

#### MESSAGE FROM THE HOUSE

April 14, 1987

Mr. President:

The House has passed SENATE BILL NO. 5678 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.

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

On motion of Senator Rinehart, the Senate refuses to concur in the House amendment to Senate Bill No. 5678 and asks the House to recede therefrom.

#### MESSAGE FROM THE HOUSE

April 14, 1987

Mr. President:

The House has passed SENATE BILL NO. 5013 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;

(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; or

(c) The vacation is sought to enable a city or town to implement a plan, adopted by resolution or ordinance, that provides comparable or improved public access to the same shoreline area to which the streets or alleys sought to be vacated abut, had the properties included in the plan not been vacated.

(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, where in addition to the normal requirements for publishing notice, notice of the public hearing is posted conspicuously on the street or alley sought to be vacated, which posted notice indicates that the area is public access, it is proposed to be vacated, and that anyone objecting to the proposed vacation should attend the public hearing or send a letter to a particular official indicating his or her objection; 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, or acquiring additional moorage or launching sites."

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."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

Senator Garrett moved that the Senate do concur in the House amendments to Senate Bill No. 5013.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Garrett that the Senate do concur in the House amendments to Senate Bill No. 5013.

The motion by Senator Garrett carried and the Senate concurred in the House amendments to Senate Bill No. 5013.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5013, as amended by the House.

#### ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5013, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yeas: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Excused: Senators Kiskaddon, Pullen - 2.

SENATE BILL NO. 5013, 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 HOUSE

April 8, 1987

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 5201, 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 deferring 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 termination of state employment, accept employment or receive compensation from any private business if (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. This subsection shall not be construed to prevent a state employee from accepting employment with a state employee organization.

(4) 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.

(5) 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.

(6) 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.

(7) 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.

and the bill and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

On motion of Senator Halsan, the Senate concurred in the House amendment to Engrossed Senate Bill No. 5201.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 5201, as amended by the House.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 5201, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yeas: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vogtild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Excused: Senators Kiskaddon, Pullen - 2.

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.

#### MESSAGE FROM THE HOUSE

April 8, 1987

Mr. President:

The House has passed SENATE BILL NO. 5335, 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.

Sec. 3. 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 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 where such extension is through the installation of water mains of six inches or less in diameter; or

(c) The extension of permanent sewer service outside of its existing corporate boundaries by a city, town, or special purpose district where such extension is through the installation of sewer mains of eight inches or less in diameter;

(2) Any governmental unit affected, or 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. 4. 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. 5. 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. 6. 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. 7. 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. 8. 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 "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."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

On motion of Senator Halsan, the Senate concurred in the House amendments to Senate Bill No. 5335.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5335, as amended by the House.



## ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5335, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kreidler, McCaslin, McDermott, McDonald, Metcalfe, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 46.

Voting nay: Senator Lee - 1.

Excused: Senators Kiskaddon, Pullen - 2.

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.

## MESSAGE FROM THE HOUSE

April 14, 1987

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 5520 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.

Where, before the effective date of this section, a municipality established a reserve fund under this section that did not provide for a credit or reimbursement of the money remaining in the reserve fund to the owners of the lots, tracts, or parcels of property subject to the assessments, the balance in the reserve fund shall be distributed, after payment in full and retirement of all local improvement district bonds and other obligations secured by the reserve fund, to those owners of the lots, tracts, or parcels of property subject to the assessments at the time the final installment or assessment payment on the lot, tract, or parcel was made. No owner is eligible to receive reimbursement for a lot, tract, or parcel if a lien on an unpaid assessment, or an installment thereon, that was imposed on such property remains in effect at the time the reimbursement is made or was foreclosed on the property. The amount to be distributed to the owners of each lot, tract, or parcel that is eligible for reimbursement shall be equal to the balance in the reserve fund, multiplied by the assessment imposed on the lot, tract, or parcel, divided by the total of all the assessments on the lots, tracts, or parcels eligible for reimbursement."

On page 1, line 1 of the title, after "districts," strike the remainder of the title and insert "and amending RCW 35.51.040."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

On motion of Senator Halsan, the Senate concurred in the House amendments to Substitute Senate Bill No. 5520.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5520, as amended by the House.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5520, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Excused: Senators Kiskaddon, Pullen - 2.

SUBSTITUTE SENATE BILL NO. 5520, 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 HOUSE

April 16, 1987

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5439 with the following amendments:

On page 4, after line 20, insert the following:

"Sec. 7. Section 2, chapter 307, Laws of 1986 and RCW 36.37.160 are each amended to read as follows:

(1) If requested by a county legislative authority, the department of natural resources shall negotiate a lease, or may negotiate a sale or exchange of lands to the county at fair market value, for any requested portion of the state lands directly adjacent to buildings on the Northern State Hospital site that were transferred to the department under chapter 178, Laws of 1974 ex. sess., if not otherwise prohibited, to the county to use for the purpose of establishing county fairgrounds (~~(-However, the)~~ and a regional destination tourist attraction.

(2) If a portion is to be leased, it shall be contiguous and compact, of an area not to exceed two hundred fifty acres and shall be segregated in such a manner that the remaining portion of these state lands can be efficiently managed by the department. The lease shall be for as long as the county is actually using the land as the site of the county fairgrounds. Notwithstanding chapter 178, Laws of 1974 ex. sess., the department shall charge the county the sum of one thousand dollars per year for the lease of such lands and this sum may be periodically adjusted to compensate the department for any increased costs in administration of the lease. The lease shall contain provisions directing payment of all assessments and authorizing the county to place any improvements on the leased lands if the improvements are consistent with the purposes of county fairs.

(3) If the property is to be sold, any proceeds received by the department from the sale of the property shall be deposited in the park land trust revolving fund, to be utilized by the department of natural resources in the same manner as set forth in RCW 43.51.270(4).

On page 1, on line 2 of the title, after "RCW" insert "36.37.160."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

Senator Vognild moved that the Senate do concur in the House amendments to Engrossed Substitute Senate Bill No. 5439.

#### POINT OF ORDER

Senator Owen: "Mr. President, I challenge the House amendments on scope and object."

## RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Owen, the President finds that Engrossed Substitute Senate Bill No. 5439 is a measure designating the Department of Natural Resources as the agency responsible for surveys and maps and creating the surveys and maps account in the general fund.

"The amendments proposed by the House of Representatives allow for the sale or exchange of Department of Natural Resources land adjacent to Northern State Hospital, provides for the use of that land and the proceeds from the sale or exchange.

"The President, therefore, finds that the proposed amendments do change the scope and object of the bill and that the point of order is well taken."

The amendments by the House of Representatives were ruled out of order.

## MOTIONS

On motion of Senator Vognild, the motion to concur in the House amendments to Engrossed Substitute Senate Bill No. 5439 was withdrawn.

On motion of Senator Owen, the Senate refuses to concur in the House amendments to Engrossed Substitute Senate Bill No. 5439 and asks the House to recede therefrom.

## MESSAGE FROM THE HOUSE

April 16, 1987

Mr. President:

The House has adopted ENGROSSED SENATE CONCURRENT RESOLUTION NO. 8406 with the following amendment:

On page 1, line 1, after "WHEREAS," strike the remainder of the resolution and insert the following:

"Sport and commercial fishing on the Pacific Coast plays a vital role in economic development; and

WHEREAS, Management of coastal fisheries involves many user groups, government agencies and individual legislatures, but does not involve a coordinated approach among individual states; and

WHEREAS, Each state's legislature plays an important role in developing state fisheries management policies and that the entire Pacific Coast benefits from fisheries enhancement; and

WHEREAS, There is an obvious need for developing means for protecting and fostering Pacific fishing so as to maximize yield while protecting the resource for future generations; and

WHEREAS, The subjects that require interstate cooperation are many and know no state boundaries;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington, the House of Representatives concurring, That the President of the Senate and the Speaker of the House of Representatives, joining with the presiding officers of the other jurisdictions shall appoint, respectively, two senators and two representatives to represent Washington on the Pacific Fisheries Legislative Task Force, which shall operate as a clearinghouse for opinions from all the various interests involved in Pacific fishing, and which shall include among its duties the duty to report to the legislatures of the participating jurisdictions and to the state delegations in the United States Congress concerning means of protecting and fostering Pacific fishing in the participating jurisdictions: PROVIDED, That representatives of the state of Washington shall attend no more than four meetings annually; and

BE IT FURTHER RESOLVED, That copies of this resolution shall be sent to the presiding officers of the legislatures of Alaska, California, Idaho, and Oregon."

and the resolution and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTION

Senator Vognild moved that the Senate do concur in the House amendment to Engrossed Senate Concurrent Resolution No. 8406.

## POINT OF ORDER

Senator Owen: "Mr. President, I challenge the House amendment on the grounds that it expands the scope and object of the bill. What this bill originally did was it created a joint committee on marine and ocean resources to monitor what the federal government was going to do on oil and gas leases and access other

uses of the ocean. What the amendment does is that it strikes all of that language and it creates a specific legislative fishery task force. The only connection I can find between the two is, if you travel to California which is one of the states on the ocean, to Washington State to attend the meeting. As far as any connection to the original bill, it has none. Therefore, I feel it is totally beyond the scope and object of the original bill."

Debate ensued.

#### RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Owen, the President finds that Engrossed Senate Concurrent No. 8406 is a measure creating the Joint Committee on Marine and Ocean Resources.

"The amendment proposed by the House of Representatives provides for Washington representation on the Pacific Fisheries Legislative Task Force.

"The President, therefore, finds that the proposed amendment does change the scope and object of the bill and that the point of order is well taken."

The amendment by the House of Representatives was ruled out of order.

#### MOTIONS

On motion of Senator Vognild, the motion to concur in the House amendment to Engrossed Senate Concurrent Resolution No. 8406 was withdrawn.

On motion of Senator Owen, the Senate refuses to concur in the House amendment to Engrossed Senate Concurrent Resolution No. 8406 and asks the House to recede therefrom.

#### MESSAGE FROM THE HOUSE

April 13, 1987

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 5846 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.

**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 moneys received under chapter 82.49 RCW may be expended except as provided herein."

and the bill and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

Senator Kreidler moved that the Senate do concur in the House amendment to Substitute Senate Bill No. 5846.

#### POINT OF ORDER

Senator Kreidler: "Mr. President, I am taking a look at this bill and I have some concerns about New Section 4 and New Section 5. I am wondering if they would be within the scope and object of the bill, since it doesn't seem to relate to the primary emphasis of the bill that we sent over to the House. I wonder if we could get a scope and object ruling on that and, if you agree that it is out, give me an opportunity to make a motion to do not concur."

#### RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Kreidler, the President finds that Substitute Senate Bill No. 5846 is a measure establishing boating safety regulations.

"The amendment proposed by the House of Representatives, among other things, provides a mechanism for distribution from local excise taxes for boating safety enforcement and requires the Parks and Recreation Commission to mediate disputes involving this distribution.

"The President, therefore, finds that the proposed amendment does change the scope and object of the bill and that the point of order is well taken."

The amendment by the House of Representatives was ruled out of order.

## MOTIONS

On motion of Senator Kreidler, the motion to concur in the House amendment to Substitute Senate Bill No. 5846 was withdrawn.

On motion of Senator Kreidler, the Senate refuses to concur in the House amendment to Substitute Senate Bill No. 5846 and asks the House to recede therefrom.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5163 and the pending motion by Senator Vognild that the Senate do not concur in the House amendments to Substitute Senate Bill No. 5163.

## POINT OF ORDER

Senator Wojahn: "Mr. President, a point of order. I believe the amendments to this bill expand the scope and object. These amendments would make the midwives and several others, not have to pay--if they have fewer than one hundred members, they would not have to pay at the greater rate that has now been assigned to them."

## RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Wojahn, the President finds that Substitute Senate Bill No. 5163 is a measure changing provisions relating to midwives.

"The amendments proposed by the House of Representatives, among other things, prohibit the Department of Licensing from increasing licensing fees for acupuncturists, debt adjusters, midwives and ocularists.

"The President, therefore, finds that the proposed amendments do change the scope and object of the bill and that the point of order is well taken."

The amendments by the House of Representatives were ruled out of order.

The President declared the question before the Senate to be the motion by Senator Vognild that the Senate do not concur in the House amendments to Substitute Senate Bill No. 5163.

The motion by Senator Vognild carried and the Senate refuses to concur in the House amendments to Substitute Senate Bill No. 5163 and asks the House to recede therefrom.

## MESSAGE FROM THE HOUSE

April 16, 1987

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 5622 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 ((a)) mentor teachers who will provide a source of continuing and sustained support to ((a)) 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. 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.

(2) For persons applying for the 1988-89 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. 4. 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. 5. 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. 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 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 new sections to chapter 28A.67 RCW; providing an effective date; and declaring an emergency."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

Senator Vognild moved that the Senate do concur in the House amendments to Substitute Senate Bill No. 5622.

#### POINT OF ORDER

Senator Gaspard: "Mr. President, I wish to challenge the House amendments to Substitute Senate Bill No. 5622 on the grounds that they expand the scope and object of the bill."

#### RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Gaspard, the President finds that Substitute Senate Bill No. 5622 is a measure continuing the beginning teacher's assistance program.

"The amendments proposed by the House of Representatives, among other things, add numerous provisions relating to teacher testing.

"The President, therefore, finds that the proposed amendments do change the scope and object of the bill and that the point of order is well taken."

The amendments by the House of Representatives were ruled out of order.

## MOTIONS

On motion of Senator Vognild, the motion to concur in the House amendments to Substitute Senate Bill No. 5622 was withdrawn.

On motion of Senator Gaspard, the Senate refuses to concur in the House amendments to Substitute Senate Bill No. 5622 and asks the House to recede therefrom.

## MESSAGE FROM THE HOUSE

April 16, 1987

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 5206 with the following amendments:

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.

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.

Sec. 4. 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 term 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.

NEW SECTION, Sec. 5. 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.

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, 2.56.030, and 2.32.180; and creating a new section."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

On motion of Senator Talmadge, the Senate concurred in the House amendments to Substitute Senate Bill No. 5206.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5206, as amended by the House.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5206, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yeas: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognilid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Excused: Senators Kiskaddon, Pullen - 2.

SUBSTITUTE SENATE BILL NO. 5206, 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.

## MESSAGES FROM THE HOUSE

April 17, 1987

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 5584, and the same is herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

April 17, 1987

Mr. President:

The House has failed to pass ENGROSSED SUBSTITUTE SENATE BILL NO. 5377.

SHARON L. CASE, Assistant Chief Clerk

April 17, 1987

Mr. President:

The House concurred in the Senate amendments to HOUSE BILL No. 48 and passed the bill as amended by the Senate.

ALAN THOMPSON, Chief Clerk

April 17, 1987

Mr. President:

The House has passed:  
 SUBSTITUTE SENATE BILL NO. 5094,  
 SENATE BILL NO. 5160,  
 SUBSTITUTE SENATE BILL NO. 5212,  
 SENATE BILL NO. 5513,  
 SENATE BILL NO. 5522,  
 SENATE BILL NO. 5666,  
 SENATE BILL NO. 5735,  
 SENATE BILL NO. 5774,  
 SENATE BILL NO. 5780,

SENATE JOINT MEMORIAL NO. 8005, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTIONS

On motion of Senator Vognild, the Senate advanced to the ninth order of business.

On motion of Senator Vognild, the following bills were referred to the Committee on Rules:

THIRD READING

SUBSTITUTE HOUSE BILL NO. 414.

SUBSTITUTE HOUSE BILL NO. 632.

SECOND READING

HOUSE BILL NO. 173.

SUBSTITUTE HOUSE BILL NO. 264.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 509.

SUBSTITUTE HOUSE BILL NO. 550.

SUBSTITUTE HOUSE BILL NO. 554.

SUBSTITUTE HOUSE BILL NO. 609.

HOUSE BILL NO. 662.

SUBSTITUTE HOUSE BILL NO. 692.

SUBSTITUTE HOUSE BILL NO. 804.

ENGROSSED HOUSE BILL NO. 814.

HOUSE BILL NO. 854.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 877.

SUBSTITUTE HOUSE BILL NO. 980.

SUBSTITUTE HOUSE BILL NO. 1015.

HOUSE BILL NO. 1092.

SUBSTITUTE HOUSE BILL NO. 1117.

MOTION

At 12:08 p.m., on motion of Senator Vognild, the Senate adjourned until 9:00 a.m., Monday, April 20, 1987.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

## NINETY-NINTH DAY

---

### MORNING SESSION

---

Senate Chamber, Olympia, Monday, April 20, 1987

The Senate was called to order at 9:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Benitz, Cantu, DeJarnatt, Garrett, Lee, McDermott, McDonald, Moore, Owen, Stratton and Tanner.

The Sergeant at Arms Color Guard, consisting of Pages David Aldrich and Anthony Alston, presented the Colors. Reverend Dennis Hartsook, pastor of St. Mark Lutheran Church of Olympia, offered the prayer.

#### MOTION

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

#### MESSAGES FROM THE HOUSE

April 17, 1987

Mr. President:

The House has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 427, and the same is herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

April 17, 1987

Mr. President:

The House has passed REENGROSSED SUBSTITUTE HOUSE BILL NO. 1037, and the same is herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

April 17, 1987

Mr. President:

The House has failed to pass ENGROSSED SENATE BILL NO. 5185.

ALAN THOMPSON, Chief Clerk

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 427 by Committee on Transportation (originally sponsored by Representatives Walk, Schmidt, Baugher and S. Wilson) (by request of Governor Gardner)

Adopting the transportation budget.

Referred to Committee on Transportation.

ReESHB 1037 by Committee on Transportation (originally sponsored by Representatives Walk, Patrick, Todd, Fisher, Sanders, Gallagher, Ferguson and Miller)

Revising motor vehicle related taxes.

Referred to Committee on Transportation.

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

#### SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

On motion of Senator Vognild, Gubernatorial Appointment No. 9086, William A. Black, as a member of the Board of Trustees for Everett Community College District No. 5, was confirmed.

## APPOINTMENT OF WILLIAM A. BLACK

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 38; absent, 11.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Conner, Craswell, Deccio, Fleming, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, Metcalf, Nelson, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 38.

Absent: Senators Benitz, Cantu, DeJarnatt, Garrett, Lee, McDermott, McDonald, Moore, Owen, Stratton, Tanner - 11.

## MOTIONS

On motion of Senator Vognild, Senators DeJarnatt, Garrett, Owen and Stratton were excused.

On motion of Senator Lee, Senator McDonald was excused.

## MOTION

On motion of Senator Gaspard, Gubernatorial Appointment No. 9027, Harry E. Morgan, Jr., as a member of the Higher Education Facilities Authority, was confirmed.

## APPOINTMENT OF HARRY E. MORGAN, JR.

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 43; absent, 1; excused, 5.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, Craswell, Deccio, Fleming, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, Metcalf, Moore, Nelson, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 43.

Absent: Senator Cantu - 1.

Excused: Senators DeJarnatt, Garrett, McDonald, Owen, Stratton - 5.

## MOTION

On motion of Senator Zimmerman, Senator Cantu was excused.

## MOTION

On motion of Senator Gaspard, Gubernatorial Appointment No. 9037, R. Dan Leary, as a member of the Board of Regents for Washington State University, was confirmed.

## APPOINTMENT OF R. DAN LEARY

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, Craswell, Deccio, Fleming, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 46.

Excused: Senators Cantu, DeJarnatt, Garrett - 3.

## MOTION

On motion of Senator Gaspard, Gubernatorial Appointment No. 9042, Howard H. Pryor, as a member of the Board of Trustees for Wenatchee Valley Community College District No. 15, was confirmed.

## APPOINTMENT OF HOWARD H. PRYOR

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, Craswell, Deccio, Fleming, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 46.

Excused: Senators Cantu, DeJarnatt, Garrett - 3.

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

MESSAGE FROM THE GOVERNOR

April 17, 1987

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

I have the honor to advise you that on April 17, 1987, Governor Gardner approved the following Senate Bills entitled:

Senate Bill No. 5139

Relating to the consolidation of the cigarette tax statutes.

Substitute Senate Bill No. 5180

Relating to competitive bids.

Substitute Senate Bill No. 5199

Relating to taxing district boundary changes.

Senate Bill No. 5327

Relating to persons of disability.

Senate Bill No. 5381

Relating to custom slaughtering and meat facilities.

Substitute Senate Bill No. 5466

Relating to fees assessed against health maintenance organizations.

Senate Bill No. 5740

Relating to employer contributions to insurance and health care plans for ferry system employees.

Substitute Senate Bill No. 5761

Relating to the deletion from the Revised Code of Washington of rules 9, 19, and 30, and rule 6 (part), governing the running, placing, erecting, maintaining, or using of electrical apparatus.

Substitute Senate Bill No. 5830

Relating to organ transplants.

Senate Bill No. 6065

Relating to the preservation of records of collection agencies.

Sincerely,

TERRY SEBRING, Legal Counsel to the Governor

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

MESSAGE FROM THE HOUSE

April 14, 1987

Mr. President:

The House has passed SECOND SUBSTITUTE SENATE BILL NO. 5063 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 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."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

On motion of Senator Talmadge, the Senate concurred in the House amendments to Second Substitute Senate Bill No. 5063.

The President declared the question before the Senate to be the roll call on final passage of Second Substitute Senate Bill No. 5063, as amended by the House.

#### ROLL CALL

The Secretary called the roll on final passage of Second Substitute Senate Bill No. 5063, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, Craswell, Deccio, Fleming, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vogtild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 45.

Voting nay: Senator Pullen - 1.

Excused: Senators Cantu, DeJarnatt, Garrett - 3.

SECOND SUBSTITUTE SENATE BILL NO. 5063, 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 HOUSE

April 16, 1987

Mr. President:

The House has passed SECOND SUBSTITUTE SENATE BILL NO. 5074 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; and

(9) If the hospital or facility designated to provide outpatient treatment is other than the facility providing involuntary treatment, the outpatient facility so designated has agreed to assume such responsibility.

**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 relevant 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 recommitted 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.

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; and creating a new section."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

On motion of Senator Talmadge, the Senate concurred in the House amendments to Second Substitute Senate Bill No. 5074.

The President declared the question before the Senate to be the roll call on final passage of Second Substitute Senate Bill No. 5074, as amended by the House.

## ROLL CALL

The Secretary called the roll on final passage of Second Substitute Senate Bill No. 5074, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, Fleming, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 46.

Voting nay: Senator Pullen - 1.

Excused: Senators DeJarnatt, Garrett - 2.

SECOND SUBSTITUTE SENATE BILL NO. 5074, 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 HOUSE

April 16, 1987

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 5088 with the following amendment:

On page 1, line 11 after "person" insert "for a period of two hours or more".

and the bill and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Talmadge, the Senate concurred in the House amendment to Substitute Senate Bill No. 5088.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5088, as amended by the House.

## ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5088, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, Fleming, Gaspard, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 46.

Absent: Senator Kiskaddon - 1.

Excused: Senators DeJarnatt, Garrett - 2.

SUBSTITUTE SENATE BILL NO. 5088, 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 HOUSE

April 16, 1987

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 5142 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."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

On motion of Senator Talmadge, the Senate concurred in the House amendments to Substitute Senate Bill No. 5142.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5142, as amended by the House.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5142, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yeas: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, Fleming, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vogt, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Excused: Senators DeJarnatt, Garrett - 2.

SUBSTITUTE SENATE BILL NO. 5142, 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 HOUSE

April 15, 1987

Mr. President:

The House has passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5252 with the following amendments:

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."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

On motion of Senator McDermott, the Senate concurred in the House amendments to Engrossed Second Substitute Senate Bill No. 5252.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Second Substitute Senate Bill No. 5252, as amended by the House.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Second Substitute Senate Bill No. 5252, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, Fleming, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, Metcalf, Moore, Nelson, Newhouse, Owen, Paterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vogt, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 46.

Absent: Senator McDonald - 1.

Excused: Senators DeJarnatt, Garrett - 2.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5252, 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 HOUSE

April 16, 1987

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 5253 with the following amendments:

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"

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".

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Wojahn, the Senate concurred in the House amendments to Substitute Senate Bill No. 5253.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5253, as amended by the House.

## ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5253, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; nays, 3; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, Fleming, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 44.

Voting nay: Senators Craswell, Newhouse, Pullen - 3.

Excused: Senators DeJarnatt, Garrett - 2.

SUBSTITUTE SENATE BILL NO. 5253, 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 HOUSE

April 14, 1987

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 5405 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".

and the bill and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Kreidler, the Senate concurred in the House amendment to Substitute Senate Bill No. 5405.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5405, as amended by the House.

## ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5405, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, Fleming, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Excused: Senators DeJarnatt, Garrett - 2.

SUBSTITUTE SENATE BILL NO. 5405, 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 HOUSE

April 9, 1987

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5464 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 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. Courts of limited jurisdiction may enter into agreements with one or more attorneys or collection agencies for collection of outstanding penalties, fines, costs, assessments, and forfeitures. These agreements may specify the scope of work, remuneration for services, 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 collection agencies or by collecting attorneys in which the court retains control of its 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, to collection agencies, 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."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Talmadge, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 5464.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 5464, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 5464, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, Fleming, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Excused: Senators DeJarnatt, Garrett - 2.

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.

MOTION

At 9:54 a.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 1:30 p.m. by President Cherberg.

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

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Gaspard, Gubernatorial Appointment No. 9056, Gordon Sandison, as a member of the Board of Trustees for Western Washington University, was confirmed.

APPOINTMENT OF GORDON SANDISON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 42; absent, 6; excused, 1.

Voting yeas: Senators Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDermott, Metcalif, Moore, Nelson, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Saling, Sellar, Smitherman, Talmadge, Tanner, Vogndild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 42.

Absent: Senators Benitz, Lee, McDonald, Owen, Rinehart, Stratton - 6.

Excused: Senator Garrett - 1.

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

MESSAGE FROM THE HOUSE

April 16, 1987

Mr. President:

The House has passed SENATE BILL NO. 5747 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 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 chapter 64.04 RCW."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

Senator Williams moved that the Senate do concur in the House amendments to Senate Bill No. 5747.

#### POINT OF INQUIRY

Senator Pullen: "Senator Williams, my understanding is that under the terms of the House amendment that nonprofit historic preservation corporations may acquire interest in real property for the conservation of open space, agricultural and timber lands. Is that correct?"

Senator Williams: "As I understand it, they added nonprofit conservation organizations. They are subject to that kind of statute. As I understand it, what the House did is put in historic preservation organizations also, so they are treated—a historic preservation organization is treated much the same as presently conservation organizations are."

The President declared the question before the Senate to be the motion by Senator Williams that the Senate do concur in the House amendments to Senate Bill No. 5747.

The motion by Senator Williams carried and the Senate concurred in the House amendments to Senate Bill No. 5747.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5747, as amended by the House.

#### ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5747, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; nays, 5; absent, 2.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Patterson, Peterson, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 42.

Voting nay: Senators Anderson, Barr, McCaslin, Pullen, Rasmussen - 5.

Absent: Senators Owen, Tanner - 2.

SENATE BILL NO. 5747, 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 HOUSE

April 13, 1987

Mr. President:

The House has passed SECOND SUBSTITUTE SENATE BILL NO. 5986 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. 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 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 oil and other 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."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

Senator Rasmussen moved that the Senate do concur in the House amendments to Second Substitute Senate Bill No. 5986.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Rasmussen that the Senate do concur in the House amendments to Second Substitute Senate Bill No. 5986.

The motion by Senator Rasmussen carried and the Senate concurred in the House amendments to Second Substitute Senate Bill No. 5986.

The President declared the question before the Senate to be the roll call on final passage of Second Substitute Senate Bill No. 5986, as amended by the House.

#### ROLL CALL

The Secretary called the roll on final passage of Second Substitute Senate Bill No. 5986, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 40; nays, 9.

Voting yea: Senators Bailey, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Decchio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, Moore, Nelson, Owen, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 40.

Voting nay: Senators Anderson, Barr, Benitz, Hayner, McCaslin, Metcalf, Newhouse, Patterson, Saling - 9.

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.

#### MOTION

On motion of Senator Zimmerman, Senator Johnson was excused.

#### MESSAGE FROM THE HOUSE

April 13, 1987

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5857 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."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

On motion of Senator Wojahn, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 5857.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 5857, as amended by the House.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 5857, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Absent: Senator Lee - 1.

Excused: Senator Johnson - 1.

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.

#### MESSAGE FROM THE HOUSE

April 9, 1987

Mr. President:

The House has passed SENATE CONCURRENT RESOLUTION NO. 8404 with the following amendment:

On page 1, line 15 after "Committee on" strike "Employment of the Handicapped" and insert "Disability Issues and Employment",

and the resolution and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

On motion of Senator Warnke, the Senate concurred in the House amendment to Senate Concurrent Resolution No. 8404.

The President declared the question before the Senate to be the roll call on final passage of Senate Concurrent Resolution No. 8404, as amended by the House.

#### ROLL CALL

The Secretary called the roll on final passage of Senate Concurrent Resolution No. 8404, as amended by the House, and the resolution passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Absent: Senator Lee - 1.

Excused: Senator Johnson - 1.

SENATE CONCURRENT RESOLUTION NO. 8404, as amended by the House, having received the constitutional majority, was declared passed.

#### MOTION

On motion of Senator Bender, Senators DeJarnatt, Garrett, Owen, Stratton and Williams were excused.

#### MESSAGE FROM THE HOUSE

April 17, 1987

Mr. President:

The House has passed SENATE BILL NO. 5008 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.

NEW SECTION, Sec. 2. This act shall take effect January 1, 1988.

On page 1, beginning on line 1 of the title, after "payments;" strike the remainder of the title and insert "amending RCW 84.56.020; and providing an effective date."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

On motion of Senator Halsan, the Senate concurred in the House amendments to Senate Bill No. 5008.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5008, as amended by the House.

#### ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5008, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; excused, 6.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, Fleming, Gaspard, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Talmadge, Tanner, Vogndil, von Reichbauer, Warnke, West, Wojahn, Zimmerman - 43.

Excused: Senators DeJarnatt, Garrett, Johnson, Owen, Stratton, Williams - 6.

SENATE BILL NO. 5008, 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 HOUSE

April 16, 1987

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5071 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 (~~non-radioactive~~) 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.

((2)) (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.

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."

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; adding a new section to chapter 43.21A RCW; and adding new sections to chapter 70.105 RCW."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

Senator Rasmussen moved that the Senate do concur in the House amendments to Engrossed Substitute Senate Bill No. 5071.

Debate ensued.

#### POINT OF ORDER

Senator Pullen: "Mr. President, I would raise the point of order that the House amendments may expand the scope and object of the bill. I have listened carefully to the remarks of Senator Benitz and Senator Kreidler and I think they were both making some excellent points that it does indeed expand the scope and object. They referred to the expansion of scope and object dealing with mixed waste.

They also referred to the expansion of scope and object with regard to the Department of Ecology, so their own arguments convinced me and for that reason, I am raising the question of scope and object."

## MOTION

On motion of Senator Vognild, further consideration of Engrossed Substitute Senate Bill No. 5071 was deferred.

## MESSAGE FROM THE HOUSE

April 17, 1987

Mr. President:

The House has passed SECOND SUBSTITUTE SENATE BILL NO. 5086 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).

((13)) (13) "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).

((14)) (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)).

((15)) (15) "Fines" means the requirement that the offender pay a specific sum of money over a specific period of time to the court.

((16)) (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.

((17)) (17) "Nonviolent offense" means an offense which is not a violent offense.

((18)) (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.

((19)) (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.

((20)) (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.

((21)) (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)).

((22)) (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.

((23)) (23) "Sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

((24)) (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.

((25)) (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.

((26)) (26) "Victim" means any person who has sustained physical or financial injury to person or property as a direct result of the crime charged.

((27)) (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 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 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)(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 compiled 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 wilfully 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 wilful 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."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

On motion of Senator Talmadge, the Senate refuses to concur in the House amendments to Second Substitute Senate Bill No. 5086 and asks the House to recede therefrom.

#### MOTION

On motion of Senator Bender, Senators Rinehart and Smitherman were excused.

#### MESSAGE FROM THE HOUSE

April 14, 1987

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 5107 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."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

On motion of Senator Vognild, the Senate concurred in the House amendments to Substitute Senate Bill No. 5107.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5107, as amended by the House.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5107, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; absent, 1; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Saling, Sellar, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 45.

Absent: Senator Kiskaddon - 1.

Excused: Senators Owen, Rinehart, Smitherman - 3.

SUBSTITUTE SENATE BILL NO. 5107, 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 HOUSE

April 17, 1987

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 5110 with the following amendments:

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. The higher education coordinating board shall adopt rules outlining a procedure to be used by award recipients who wish to decline their waiver. If a recipient declines a waiver, the waiver may be used by a nominee from the same legislative district who was not selected to receive the award, under rules adopted by the board.

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."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

Senator Gaspard moved that the Senate do not concur in the House amendments to Engrossed Senate Bill No. 5110 and asks the House to recede therefrom.

#### POINT OF INQUIRY

Senator Lee: "Senator Gaspard, was this the measure in which we had said that if they were going to a private institution, that that fee waiver--that we would make that contribution, shall we say, to the private university?"

Senator Gaspard: "If I remember correctly, we did have a measure that indicated not more than--I believe it was approximately one-third of the students--could go to a private university or college and the House changed that, also."

Senator Lee: "That's what I was going to ask, whether the House had removed that because it was something that some of us objected to, even though there were good parts to the bill. I wanted to ask you one other question relating to--you explained very clearly the problem with saying where these youngsters had to live or these young men and young woman had to live. The other portion that you were talking about which is the grade point, what is the difference between these two bills?"

Senator Gaspard: "The legislation that we passed out of this body had a minimum of a 3.3 grade point average. The House has a 3.5."

The President declared the question before the Senate to be the motion by Senator Gaspard that the Senate do not concur in the House amendments to Engrossed Senate Bill No. 5110.

The motion by Senator Gaspard carried and the Senate refuses to concur in the House amendments to Engrossed Senate Bill No. 5110 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

April 17, 1987

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 5124 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 577, 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. A registered tow truck operator may not serve as an agent of a property owner for the purposes of signing an impound authorization.

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 (~~46.52-176; 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 truck))~~ remains unclaimed and has not been listed as a stolen vehicle, then the registered ~~((disposer))~~ tow truck operator having custody of the vehicle ~~((or truck))~~ 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) (a) 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 ~~((last))~~ 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 tow 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 truck)~~) if the identity of the owner can be determined, unless the owner in the transfer of ownership of the vehicle (~~(or automobile truck)~~) 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 truck)~~) 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."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

Senator Rasmussen moved that the Senate do concur in the House amendments to Substitute Senate Bill No. 5124.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Rasmussen that the Senate do concur in the House amendments to Substitute Senate Bill No. 5124.

The motion by Senator Rasmussen carried and the Senate concurred in the House amendments to Substitute Senate Bill No. 5124.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5124, as amended by the House.

## ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5124, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; absent, 2; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Stratton, Talmadge, Tanner, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 46.

Absent: Senators Saling, Sellar - 2.

Excused: Senator Smitherman - 1.

SUBSTITUTE SENATE BILL NO. 5124, 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 HOUSE

April 14, 1987

Mr. President:

The House has passed SENATE BILL NO. 5129 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."

Renumber 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."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTION

Senator Tanner moved that the Senate do concur in the House amendments to Senate Bill No. 5129.

## CALL OF THE SENATE

Senators Bottiger, Vognlid and Peterson demanded a call of the Senate and the demand was sustained.

The Secretary called the roll.

## PARLIAMENTARY INQUIRY

Senator Pullen: "Mr. President, a point of parliamentary inquiry. I don't believe the motion was ever placed as to whether we should enforce a Call of the Senate. You asked if three members stood in support of the motion and three members did

stand. At that point, the roll call was commenced with regard to the attendance. Pursuant to Rule 24, if the Call of the Senate is moved by three Senators and if it is carried by a majority of all present, then the Secretary shall call the roll. But, we never placed the motion as to whether the members present wanted a Call of the Senate and we launched immediately into a roll call of those present and absent."

#### REPLY BY THE PRESIDENT

President Cherberg: "Your point is well taken, Senator."

Debate ensued.

The President declared the question before the Senate to be shall a Call of the Senate be ordered.

The demand for the Call of the Senate carried on a rising vote.

The Secretary called the roll and all members were present.

#### MOTION

On motion of Senator Bottiger, the Senate proceeded under the Call of the Senate.

The President declared the question before the Senate to be the motion by Senator Tanner that the Senate do concur in the House amendments to Senate Bill No. 5129.

The motion by Senator Tanner carried and the Senate concurred in the House amendments to Senate Bill No. 5129.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5129, as amended by the House.

#### ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5129, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

SENATE BILL NO. 5129, 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 President advanced the Senate to the seventh order of business.

There being no objection, the Senate resumed consideration of Engrossed Substitute House Bill No. 26, as amended by the Senate, on reconsideration, deferred April 15, 1987.

Debate on Engrossed Substitute House Bill No. 26, as amended by the Senate, on reconsideration, ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 26, as amended by the Senate, on reconsideration.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 26, as amended by the Senate, on reconsideration, and the bill, receiving a 60% majority, passed the Senate by the following vote: Yeas, 30; nays, 19.

Voting yea: Senators Barr, Bauer, Bender, Bottiger, Conner, Deccio, DeJarnatt, Fleming, Gaspard, Halsan, Hansen, Kiskaddon, McDermott, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Rasmussen, Saling, Smitherman, Stratton, Talmadge, Tanner, Vognlid, von Reichbauer, Warnke, West, Wojahn - 30.

Voting nay: Senators Anderson, Bailey, Benitz, Bluechel, Cantu, Craswell, Garrett, Hayner, Johnson, Kreidler, Lee, McCaslin, McDonald, Metcalf, Pullen, Rinehart, Sellar, Williams, Zimmerman - 19.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 26, as amended by the Senate, on reconsideration, having received the constitutional 60% 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 President returned the Senate to the sixth order of business.

#### SECOND READING

ENGROSSED SENATE BILL NO. 6073, by Senators Fleming, Sellar, Bottiger and Hayner

Revising the authority of the state to lease buildings.

The bill was read the second time.

#### MOTIONS

On motion of Senator Fleming, the following amendment was adopted:

On page 1, line 6, after "state," strike everything down through and including "county." on line 7 and insert "to be constructed on the northeast corner of the state of Washington capitol campus located in Olympia on a three block site bounded on the north by 11th avenue, on the east by Jefferson street, on the south by 12th avenue and on the west by Washington street, and"

On motion of Senator Fleming, the following amendment was adopted:

On page 2, line 26, strike all of "NEW SECTION, Sec. 5." and insert the following:

"NEW SECTION, Sec. 5. (1) In the procurement of a building pursuant to this chapter, a lease and lease-back agreement requiring a lessee to build on state property shall be made pursuant to a competitive selection procedure providing an equal and open opportunity to qualified parties and upon terms most advantageous to the state. The selection procedure shall take into consideration the qualifications and performance data of the proposed lessee including but not limited to the scope, complexity and nature of the agreement; the ability, capacity, experience and reputation of the prospective lessee; the responsiveness to solicitation requirements; the quality of previous performance; and the compliance with statutes and rules relating to contracts or services. The state shall conduct discussions with at least two proposed lessees regarding anticipated concepts and advisability of alternative methods of accomplishing the agreement. The state shall select from the proposed lessees, based on criteria established by the state, the firm deemed to be the most highly qualified to provide the services required for the project. The state shall then negotiate a contract with the most qualified firm for such lease and lease-back agreement at a price the state determines to be fair and reasonable to the state, with the approval of the legislature or state capitol committee as required by section 1 of this act. In making this determination, the state shall take into account the estimated value of the agreement as well as the scope, complexity and nature of the building.

(2) If the state is unable to negotiate a satisfactory agreement with the firm selected at a price the state determines to be fair and reasonable, negotiations with that firm shall be formally terminated and the state shall select other firms and continue in accordance with subsection (1) of this section until an agreement is reached or the process is terminated."

On motion of Senator Fleming, the following amendments were considered simultaneously and adopted:

On page 1, line 7, after "state" strike "capital" and insert "capitol"

On page 3, line 6, after "constitute" strike "a new chapter in Title 79 RCW" and insert "new sections in chapter 43.82 RCW"

#### POINT OF INQUIRY

Senator Rasmussen: "Senator Fleming, there is nothing in this legislation that would prevent the state from entering into a contract to build their own buildings? Most of this talks about lease and lease backs."

Senator Fleming: "Senator Rasmussen, this is merely allowing the state to have the capabilities that the cities and counties already have. That is namely, having a piece of property and having a private entrepreneur build on that property and then leasing that to the state. We lease that over a certain period of time with the option of buying the building. The lease or rent applies toward the purchase of the building at the end of a certain period of time."

Senator Rasmussen: "This does not prevent the state from determining if they wish to go ahead and build their own building rather than have some private party build it and lease it back?"

Senator Fleming: "In my understanding, Senator Rasmussen, no. They can do that now. This just gives us another way of financing."

Senator Rasmussen: "Well, the reason I asked that question, you know the Legislative Budget Committee said that we are going to spend an extra \$10,000,000 on the buildings that are already constructed over what it would cost if we build our own buildings."

Senator Fleming: "Senator Rasmussen, I can't address that because the Legislative Budget Report made various comments and I cannot speak to all of those. All I know is, that this is a way that we can own this building with the least amount of our own money involved. Secondly, it's a way of having flexible creative financing. Thirdly, it's an effort to sort of consolidate many of the office buildings that we are leasing all over the place."

#### MOTIONS

On motion of Senator Fleming, the following title amendment was adopted:

On page 1, line 1, after "adding" strike "a new chapter to Title 79" and insert "new sections to chapter 43.82"

On motion of Senator Fleming, the rules were suspended, Engrossed Senate Bill No. 6073 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator McCaslin: "Senator Fleming, this doesn't say what committee that came through--Senate Bill No. 6073. Was that Ways and Means?"

Senator Fleming: "Senator, this was a measure that we came in late with--a measure that, because of not being able to introduce the bill with less than ten days left in the session--that the bill was introduced and we caught it here on the fly."

Senator McCaslin: "Caught in on the fly--was there any public testimony, Senator Fleming?"

Senator Fleming: "This is a question that testimony has been put forth, I guess you would call it public testimony. This concept was approved by the Capital Committee and so forth, so I don't know what kind of testimony they had. This is a question that not necessarily, this session, has had public testimony, but it's a question that has had public testimony year after year. This is no new subject. This is just another way of addressing that."

Further debate ensued.

#### POINT OF INQUIRY

Senator Deccio: "Senator Fleming, I mean I am not putting you on the spot, but I guess you are the only one I can ask. This whole system of building buildings for the state kind of bothers me, not just because of this bill, but buildings going up all over the state and the Plum Street complex which is about five or six buildings--those buildings going up and I don't ever recall having heard in this body or when I was in the House as to how these things happen. We've got a building in Yakima that was just recently completed--\$4,500,000. Of course, the Plum Street project suddenly sprang up and there it was. I guess maybe I've been asleep or something, and if I was, I need to be waked up. Maybe you've got an answer and maybe you haven't. Maybe you are trying to get a handle on something that we've let get away from us."

Senator Fleming: "Senator Deccio, I can't speak to all those things you might have seen or might not have seen. Many of these processes go through the capital budget and all those other kinds of things. This measure indicates that anything that takes place under these circumstances would be approved by the State Capitol Committee and/or the Legislature itself. I hope that by some of the comments that have been made here, that something is happening here that is so much different than many other things that happen. You know and I know not every measure that's in the capital budget or in capital finances--specific items--that individual people get to say yes or no, you know, for the public. They are usually in the budget. You review it and some of them are added on as amendments and that kind of thing there, so I don't want someone to view that we are trying to do something so out of the ordinary. These kinds of things have been done before in the past. This was put forth in the Capitol Committee. They passed on it and made

this recommendation to us just a few weeks ago and in order to get the process going and in order not to delay any longer we have to--this was a method that had to take place if we were going to review or consider this type of financing.

"Basically, this is what it's going to do. It will go through a process and approved by the Capitol Committee and the Legislature, so this is not something that hasn't happened before. This is just giving us a way of doing something that the cities and counties already have--on our property."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 6073.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 6073 and the bill passed the Senate by the following vote: Yeas, 33; nays, 16.

Voting yea: Senators Bender, Benitz, Bluechel, Boitiger, Conner, Deccio, DeJarnatt, Fleming, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Moore, Nelson, Owen, Peterson, Rinehart, Saling, Sellar, Smitherman, Talmadge, Vognild, Warnke, West, Williams, Wojahn - 33.

Voting nay: Senators Anderson, Bailey, Barr, Bauer, Cantu, Craswell, Garrett, Metcalf, Newhouse, Patterson, Pullen, Rasmussen, Stratton, Tanner, von Reichbauer, Zimmerman - 16.

ENGROSSED SENATE BILL NO. 6073, having received the 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 FOR RECONSIDERATION

Having voted on the prevailing side, Senator McCaslin moved to reconsider the vote by which Engrossed Senate Bill No. 6073 passed the Senate.

#### MOTION

On motion of Senator Vognild, further consideration of Engrossed Senate Bill No. 6073 was deferred.

#### MOTION

On motion of Senator Vognild, the Senate returned to the fourth order of business.

#### MESSAGE FROM THE HOUSE

April 10, 1987

Mr. President:

The House has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5401 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, and life-sustaining treatment is maintaining the patient's life.

(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. 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, willfully, 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 willfully 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 willfully 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 euthanasia, 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."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

Senator Kreidler moved that the Senate do concur in the House amendments to Engrossed Substitute Senate Bill No. 5401.

Debate ensued.

#### POINT OF INQUIRY

Senator Hayner: "Senator Kreidler, if a person were judged to be terminally ill or in a terminal condition and not interested in drinking but a swallow or two of water and maybe a teaspoon or two of food, in this version that passed out of the Senate, would it have required that person to have been given intravenous feedings?"

Senator Kreidler: "To the best of my knowledge--it's an extremely vague issue from the standpoint of the language, as it was amended in committee, and I might add that I voted against those amendments in committee and never made any bones about my dislike for those particular amendments, so what I said in the House, I think was consistent with what I certainly said in committee on that particular issue. From the standpoint of the way the bill was worded as it left the House, it specifically said that--excuse me as it left the Senate--the language said that nutrition and hydration had to be provided where it would alleviate pain or something to that effect. The effect was that it through such a cloud over the whole issue of hydration and nutrition that it probably would have mandated, what the seniors very appropriately call, 'a highly sophisticated invasive medical procedure' which hydration and nutrition are when you are talking about nasal gastric tubes and the like.

"The question would be, as I understood the question that you posed to me, Senator Hayner, would be one that, certainly, if a person was able to drink and consume food, there would be absolutely nothing where this act would ever come into application. It would never even have any effect either as the bill passed the Senate, nor as it has now passed the House. The question would be, if there were nasal gastric tubes inserted and were present, at what point in time do you say enough is enough or do you make a decision, at some point, that no, it is not going to require this type of procedure? Currently, under the law that was passed in 1979, there was never any mention made of nutrition or hydration. The only definition that has ever taken place on that particular issue has been one that has developed in case law. Case law that has been based on the interpretation of the privacy of the individual and based on the State Constitution, so I guess in answering your question, I would have to say that the preference here is, obviously, not to try to override case law--to leave it with the current situation where, obviously, it's going to be judged on a case by case basis in a very sensitive fashion between the family and at least two or three physicians."

The President declared the question before the Senate to be the motion by Senator Kreidler that the Senate do concur in the House amendments to Engrossed Substitute Senate Bill No. 5401.

Senator Kreidler demanded a roll call and the demand was sustained.



The President declared the question before the Senate to be the roll call on the motion by Senator Kreidler that the Senate do concur in the House amendments to Engrossed Substitute Senate Bill NO. 5401.

#### ROLL CALL

The Secretary called the roll and the motion by Senator Kreidler for concurrence in the House amendments failed by the following vote: Yeas, 21; nays, 28.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Kiskaddon, Lee, McDermott, Moore, Peterson, Rinehart, Sellar, Talmadge, Vognild, Warnke, Williams, Wojahn - 21.

Voting nay: Senators Anderson, Bailey, Benitz, Cantu, Craswell, Deccio, Gaspard, Halsan, Hansen, Hayner, Johnson, Kreidler, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Saling, Smitherman, Stratton, Tanner, von Reichbauer, West, Zimmerman - 28.

#### MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Kreidler moved to reconsider the vote by which the Senate refused to concur in the House amendments to Engrossed Substitute Senate Bill No. 5401.

#### RULING BY THE PRESIDENT

President Cherberg: "The President believes you will have to have immediate reconsideration. Do you wish to reconsider now?"

#### MOTION

On motion of Senator Vognild, further consideration of Engrossed Substitute Senate Bill No. 5401 was deferred.

#### SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 5013,  
 SUBSTITUTE SENATE BILL NO. 5094,  
 SENATE BILL NO. 5097,  
 SUBSTITUTE SENATE BILL NO. 5113,  
 SUBSTITUTE SENATE BILL NO. 5123,  
 SUBSTITUTE SENATE BILL NO. 5143,  
 SENATE BILL NO. 5160,  
 SENATE BILL NO. 5201,  
 SUBSTITUTE SENATE BILL NO. 5206,  
 SUBSTITUTE SENATE BILL NO. 5212,  
 SENATE BILL NO. 5335,  
 SECOND SUBSTITUTE SENATE BILL NO. 5501,  
 SENATE BILL NO. 5513,  
 SUBSTITUTE SENATE BILL NO. 5520,  
 SENATE BILL NO. 5522,  
 SUBSTITUTE SENATE BILL NO. 5561,  
 SUBSTITUTE SENATE BILL NO. 5584,  
 SENATE BILL NO. 5605,  
 SENATE BILL NO. 5666,  
 SENATE BILL NO. 5735,  
 SENATE BILL NO. 5739,  
 SENATE BILL NO. 5774,  
 SENATE BILL NO. 5780,  
 SENATE JOINT MEMORIAL NO. 8005.

#### MOTIONS

On motion of Senator Vognild, the Senate advanced to the sixth order of business.

Senator Vognild moved that the Senate commence consideration of Engrossed Second Substitute House Bill No. 455.

## MOTION

At 4:09 p.m. on motion of Senator Bottiger, the Senate was declared to be at ease.

The Senate was called to order at 5:03 p.m. by President Cherberg.

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

## MESSAGE FROM THE HOUSE

April 14, 1987

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 5178 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 clearly 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 wilfully 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."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

On motion of Senator Moore, the Senate concurred in the House amendments to Engrossed Senate Bill No. 5178.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 5178, as amended by the House.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 5178, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

INGROSSED SENATE BILL NO. 5178, 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.

#### MOTIONS

On motion of Senator Vognild, the Senate advanced to the sixth order of business.

On motion of Senator Vognild, the Senate commenced consideration of Engrossed Second Substitute House Bill No. 455.

#### SECOND READING

INGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 455, by Committee on Ways and Means (originally sponsored by Representatives Ebersole, Holm, Peery, Cole, Appelwick, Pruitt, Hine, Locke and Unsoeld) (by request of Governor Gardner)

Enhancing the financing and management of the states' schools.

The bill was read the second time.

#### MOTIONS

Senator Gaspard moved that the following Committee on Ways and Means amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. The legislature finds that funding the common schools requires sufficiency, flexibility, stability, and equality, all within broad state guidelines. The legislature intends to establish an enhanced plan for school funding. This plan will increase the state revenue to school districts, while providing a maximum flexibility for local school district expenditure of such revenues. The legislature believes that such increased state revenues should be used in the classroom, preferably for providing certificated teachers to reduce class sizes, but at least for instructional assistance by adults to students.

The legislature also intends to establish the limitation on school districts' maintenance and operation levies at twenty percent of the districts' base revenue, with ten percent to be equalized on a state-wide basis.

The legislature finds that providing for the adoption of a state-wide salary allocation schedule for certificated instructional staff will encourage recruitment and retention of able

individuals to the teaching profession, and limit the administrative burden associated with implementing state teacher salary policies.

PART I  
FINANCING OUR SCHOOLS

Sec. 101. Section 1, chapter 374, Laws of 1985 and RCW 84.52.0531 are each amended to read as follows:

The maximum dollar amount which may be levied by or for any school district for maintenance and operation support under the provisions of RCW 84.52.053 shall be determined as follows:

(1) For excess levies (~~((in 1985))~~ for collection in ~~((1986 and thereafter:))~~ calendar year 1988, the maximum dollar amount shall be the sum of:

(a) That amount equal to ~~((ten percent of each school))~~ the district's base year levy percentage as defined in subsection (3) of this section multiplied by the district's prior year basic education allocation; plus

(b) That amount equal to ~~((ten percent of each school))~~ the district's base year levy percentage multiplied by the district's prior year state allocation, exclusive of federal funds, for the following programs:

(i) Pupil transportation;

(ii) Handicapped education costs;

(iii) Gifted; and

(iv) Compensatory education, including but not limited to remediation assistance, bilingual education, and urban, rural, racial disadvantaged programs; plus

(c) That amount equal to the sum under (a) and (b) of this subsection improved by the percent increase per full time equivalent student in the state basic education appropriation between the prior school year and the current school year; plus

(d) In the case of nonhigh school districts only, an amount equal to the total estimated amount due by the nonhigh school district to high school districts pursuant to chapter 28A.44 RCW, as now or hereafter amended, for the school year during which collection of the levy is to commence, less the increase in the nonhigh school district's basic education allocation as computed pursuant to subsection ~~((4))~~ (2) of this section due to the inclusion of pupils participating in a program provided for in chapter 28A.44 RCW in such computation.

~~((2) Excess levies authorized under this section or under RCW 84.52.052 shall not be used directly or indirectly to increase the average salary or fringe benefits for certificated or classified personnel in any school district. PROVIDED, That any school district may expend excess levy funds to provide increases in salary and fringe benefits for classified or certificated personnel whose salary and fringe benefits are provided wholly from local school district excess levies in a percentage not to exceed the respective average percentage increases in the salary and fringe benefit levels for classified and certificated employees of the district funded with state appropriated funds. PROVIDED FURTHER, That those contracts which have been negotiated prior to July 1, 1977 by those school districts for such school year shall not be abrogated by this section. "Fringe benefits" for purposes of this subsection shall include:~~

~~(a) Employer retirement contributions, if applicable;~~

~~(b) Health and insurance payments including life, accident, disability, unemployment compensation, and workmen's compensation; and~~

~~(c) Employer social security contributions;~~

~~(3) Any school district whose average base compensation for certificated or classified personnel respectively is below state-wide average base compensation level for certificated or classified personnel during the preceding school year, may collect and expend property taxes authorized by this section, or under RCW 84.52.052, for the purpose of increasing such district's average compensation for certificated or classified personnel as allowed in the latest applicable state operating budget. "Compensation", for purposes of this subsection, shall mean salary plus fringe benefits for classified and certificated personnel of a school district as allowed in the latest applicable state operating budget.~~

~~(4))~~ (2) For the purpose of this section, the basic education allocation shall be determined pursuant to RCW 28A.41.130, 28A.41.140, and 28A.41.145, as now or hereafter amended. PROVIDED, That when determining the basic education allocation under subsections (1) and (5) of this section, ~~((effective September 1, 1979:))~~ nonresident full time equivalent pupils who are participating in a program provided for in chapter 28A.44 RCW or in any other program pursuant to an interdistrict agreement shall be included in the enrollment of the resident district and excluded from the enrollment of the serving district.

~~((Certificated personnel shall include those persons employed by a school district in a teaching, instructional, administrative or supervisory capacity and who hold positions as certificated personnel 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. Classified personnel shall include those persons employed by a school district other than certificated personnel as defined in this section in a capacity for which certification is not required.~~

(5) Any district is authorized to exceed the levy limitations imposed by subsection (1) for taxes to be collected during calendar years 1985 through 1993 as follows:

(a)) (3) For excess levies to be collected in calendar year ((s)1986, 1987, and) 1988, a base year levy percentage shall be established, which shall be the district's maximum levy percentage for calendar year 1988 for the purposes of subsection (6) of this section. The base year levy percentage shall be equal to the greater of: ((#)) (a) The district's actual levy percentage for calendar year 1985, ((##)) (b) the average levy percentage for all school district levies in the state in calendar year 1985, or ((###)) (c) the average levy percentage for all school district levies in the educational service district of the district in calendar year 1985.

((#b) The base year levy percentage established in (a) of this subsection shall be reduced in even increments beginning in calendar year 1989. The incremental reduction shall equal one-fifth of the percentage points the base year levy percentage exceeds the amount authorized in subsection (1) of this section.

(c) For excess levies to be collected in calendar year 1993, the maximum dollar amount which may be levied by or for any school district shall not exceed the amount authorized in subsection (1) of this section. The provisions of this subsection shall not apply to excess levies to be collected after calendar year 1993:

((b)) (4) For excess levies for collection in calendar year 1989 and thereafter, the maximum dollar amount shall be the total of:

(a) The district's levy base as defined in subsection (5) of this section multiplied by the district's maximum levy percentage as defined in subsection (6) of this section; plus

(b) In the case of nonhigh districts only, an amount equal to the total estimated amount due by the nonhigh school district to high school districts pursuant to chapter 28A.44 RCW for the school year during which collection of the levy is to commence, less the increase in the nonhigh school district's basic education allocation as computed pursuant to subsection (2) of this section due to the inclusion of pupils participating in a program provided for in chapter 28A.44 RCW in such computation; less

(c) The maximum amount of state matching funds under section 102 of this 1987 act for which the district is eligible in that tax collection year.

(5) For levies collected in calendar year 1989 and thereafter, a district's levy base shall be the sum of the district's prior school year allocations of state and federal funds, including allocations for compensation increases, for the following programs and purposes:

(a) General apportionment (basic education);

(b) Secondary vocational education;

(c) Pupil transportation;

(d) Handicapped education;

(e) Education of highly capable students;

(f) Compensatory education, including but not limited to remediation assistance, migrant education, Indian education, and bilingual education;

(g) Food services;

(h) The amount of direct federal grants based on the most recent and verified school year data available to the superintendent of public instruction; and

(i) The sum of (a) through (h) of this subsection improved by the percent increase per full time equivalent student in the state basic education appropriation between the prior school year and the current school year.

((b) For levies to be collected in calendar year 1989 and thereafter, a district's maximum levy percentage shall be determined as follows:

(a) Multiply the district's maximum levy percentage for the prior year or thirty percent, whichever is less, by the district's levy base as determined in subsection (5) of this section;

(b) Reduce the amount in (a) of this subsection by the total amount of any levy reduction funds as defined in subsection (7) of this section which were allocated to the district for the prior school year;

(c) Divide the amount in (b) of this subsection by the district's levy base to compute a new percentage; and

(d) The percentage in (c) of this subsection or twenty percent, whichever is greater, shall be the district's maximum levy percentage for levies collected in that calendar year.

(7) Levy reduction funds shall mean increases in state allocations included within a district's levy base under subsection (5) of this section which are not attributable to enrollment or workload changes, compensation increases, or inflationary adjustments recognized in state allocation formulas. Any other increases in state allocations from the district's allocations for the school year immediately preceding, which are not specifically excluded in this subsection, shall be considered levy reduction funds.

(8) For the purposes of this section, "prior school year" shall mean the most recent school year completed prior to the year in which the levies are to be collected.

(9) For the purposes of this section, "current school year" shall mean the year immediately following the prior school year.

(10) The superintendent of public instruction shall develop rules and regulations and inform school districts of the pertinent data necessary to carry out the provisions of this section.



**NEW SECTION.** Sec. 102. A new section is added to chapter 28A.41 RCW to read as follows:

(1) Commencing with taxes assessed in 1988 to be collected in calendar year 1989 and thereafter, in addition to a school district's other general fund allocations, each eligible district shall be provided local effort assistance funds if funds are made specifically available by the legislature to be determined as provided in this section. Such funds are not part of the district's basic education allocation but the legislature intends to appropriate funds as necessary to implement this section.

(2) (a) "Prior tax collection year" shall mean the year immediately preceding the year in which the local effort assistance shall be allocated.

(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.

(4) Fifty-five percent of local effort assistance funds shall be distributed to qualifying districts during the applicable tax collection year on or before June 30 and forty-five percent shall be distributed on or before December 31 of any year.

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".

## PART II ENHANCING SCHOOL MANAGEMENT

Sec. 201. Section 14, chapter 244, Laws of 1969 ex. sess. as last amended by section 5, chapter 349, Laws of 1985 and RCW 28A.41.140 are each amended to read as follows:

The basic education allocation for each annual average full time equivalent student shall be determined in accordance with the following procedures:

(1) The governor shall and the superintendent of public instruction may recommend to the legislature a formula based on a ratio of students to staff for the distribution of a basic education allocation for each annual average full time equivalent student enrolled in a common school. The distribution formula shall have the primary objective of equalizing educational opportunities and shall provide appropriate recognition of the following costs among the various districts within the state:

~~((+)) (a) Certificated instructional staff and their related costs;~~

~~((2)) (b) Certificated administrative staff and their related costs;~~

~~(c) Classified staff and their related costs;~~

~~((3)) (d) Nonsalary costs;~~

~~((4)) (e) Extraordinary costs of remote and necessary schools small school districts, and small high schools, including costs of additional certificated administrative and instructional staff and classified staff; and~~

~~((5)) (f) The attendance of students pursuant to RCW 28A.58.075 and 28A.58.245, each as now or hereafter amended, who do not reside within the servicing school district.~~

~~(2) This formula for distribution of basic education funds shall be reviewed biennially by the superintendent and governor. The recommended formula shall be subject to approval, amendment or rejection by the legislature. ~~((Commencing with the 1980-81 school year, the formula adopted by the legislature shall reflect a ratio of not less than fifty certificated personnel to one thousand annual average full-time equivalent students and one classified person to three certificated personnel.))~~ The formula adopted by the legislature shall be as follows:~~

~~(a) For the 1987-89 biennium:~~

~~(i) For certificated instructional personnel:~~

~~(A) For kindergarten through grade twelve, a ratio of not less than forty-six certificated instructional personnel per one thousand full time equivalent students enrolled in such grades;~~

~~(B) For kindergarten through grade three, not less than five additional certificated personnel per one thousand full time equivalent students enrolled in such grades;~~

~~(ii) For certificated administrative personnel, a ratio of not less than four certificated administrative personnel per one thousand full time equivalent students enrolled in grades kindergarten through twelve;~~

~~(iii) For classified personnel a ratio of not less than sixteen and sixty-seven one-hundredths classified personnel per one thousand full time equivalent students enrolled in grades kindergarten through twelve;~~

~~(b) For the 1989-91 biennium:~~

~~(i) For certificated instructional personnel:~~

~~(A) For kindergarten through grade twelve, a ratio of not less than forty-six certificated instructional personnel per one thousand full time equivalent students enrolled in such grades;~~

~~(B) For kindergarten through grade three, not less than five additional certificated instructional personnel per one thousand full time equivalent students enrolled in such grades;~~

~~(C) For grades four through twelve in the 1989-90 school year, in addition to those under (b)(i)(A) of this subsection, not less than one additional certificated instructional personnel per one thousand full time students enrolled in such grades;~~

~~(D) For grades four through twelve in the 1990-91 school year, in addition to those under (b)(i)(A) of this subsection, not less than two additional certificated instructional personnel per one thousand full time students enrolled in such grades;~~

~~(ii) For certificated administrative personnel, a ratio of not less than four certificated administrative personnel per one thousand full time equivalent students enrolled in grades kindergarten through twelve;~~

~~(iii) For classified personnel a ratio of not less than sixteen and sixty-seven one-hundredths classified personnel per one thousand full time equivalent students enrolled in grades kindergarten through twelve;~~

~~(c) For the 1991-93 biennium:~~

~~(i) For certificated instructional personnel:~~

~~(A) For kindergarten through grade twelve, a ratio of not less than forty-six certificated instructional personnel per one thousand full time equivalent students enrolled in such grades;~~

~~(B) For kindergarten through grade three, not less than five additional certificated instructional personnel per one thousand full time equivalent students enrolled in such grades;~~

~~(C) For grades four through twelve in the 1991-92 school year, in addition to those under (c)(i)(A) of this subsection, not less than three additional certificated instructional personnel per one thousand full time students enrolled in such grades;~~

~~(D) For grades four through twelve in the 1992-93 school year, in addition to those under (c)(i)(A) of this subsection, not less than four additional certificated instructional personnel per one thousand full time students enrolled in such grades;~~

~~(ii) For certificated administrative personnel, a ratio of not less than four certificated administrative personnel per one thousand full time equivalent students enrolled in grades kindergarten through twelve;~~

~~(iii) For classified personnel a ratio of not less than sixteen and sixty-seven one-hundredths classified personnel per one thousand full time equivalent students enrolled in grades kindergarten through twelve;~~

~~(d) For the 1993-95 biennium:~~

~~(i) For certificated instructional personnel a ratio of not less than fifty-one certificated instructional personnel per one thousand full time equivalent students enrolled in grades kindergarten through twelve;~~

(ii) For certificated administrative personnel, a ratio of not less than four certificated administrative personnel per one thousand full time equivalent students enrolled in grades kindergarten through twelve;

(iii) For classified personnel a ratio of not less than sixteen and sixty-seven one-hundredths classified personnel per one thousand full time equivalent students enrolled in grades kindergarten through twelve.

In the event the legislature rejects the distribution formula recommended by the governor, without adopting a new distribution formula, the distribution formula for the previous school year shall remain in effect: PROVIDED, That the distribution formula developed pursuant to this section shall be for state apportionment and equalization purposes only and shall not be construed as mandating specific operational functions of local school districts other than those program requirements identified in RCW 28A.58.754. The enrollment of any district shall be the annual average number of full time equivalent students and part time students as provided in RCW 28A.41.145, as now or hereafter amended, enrolled on the fourth school day following the commencement of the school year and on the first school day of each month; PROVIDED, That for the districts beginning basic education programs before September, the first month enrollment count shall be made on the fourth school day in September. The definition of full time equivalent student shall be determined by rules and regulations of the superintendent of public instruction: PROVIDED, That the definition shall be included as part of the superintendent's biennial budget request: PROVIDED, FURTHER, That any revision of the present definition shall not take effect until approved by the house appropriations committee and the senate ways and means committee: PROVIDED, FURTHER, That the office of financial management shall make a monthly review of the superintendent's reported full time equivalent students in the common schools in conjunction with RCW 43.62.050.

(3) (a) Certificated ((staff) instructional personnel shall include those persons employed by a school district ((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)) who are non-supervisory employees within the meaning of RCW 41.59.020(8); PROVIDED, That in exceptional cases, people of unusual competence but without certification may teach students so long as a certificated person exercises general supervision: PROVIDED, FURTHER, That the hiring of such noncertificated people shall not occur during a labor dispute and such noncertificated people shall not be hired to replace certificated employees during a labor dispute.

(b) Certificated administrative personnel shall include all those persons who are chief executive officers, chief administrative officers, confidential employees, supervisors, principals, or assistant principals within the meaning of RCW 41.59.020(4).

(4) Each annual average full time equivalent certificated classroom teacher's direct classroom contact hours shall average at least twenty-five hours per week. Direct classroom contact hours shall be exclusive of time required to be spent for preparation, conferences, or any other nonclassroom instruction duties. Up to two hundred minutes per week may be deducted from the twenty-five contact hour requirement, at the discretion of the school district board of directors, to accommodate authorized teacher/parent-guardian conferences, recess, passing time between classes, and informal instructional activity. Implementing rules to be adopted by the state board of education pursuant to RCW 28A.58.754(6) shall provide that compliance with the direct contact hour requirement shall be based upon teachers' normally assigned weekly instructional schedules, as assigned by the district administration. Additional record-keeping by classroom teachers as a means of accounting for contact hours shall not be required. However, upon request from the board of directors of any school district, the provisions relating to direct classroom contact hours for individual teachers in that district may be waived by the state board of education if the waiver is necessary to implement a locally approved plan for educational excellence and the waiver is limited to those individual teachers approved in the local plan for educational excellence. The state board of education shall develop criteria to evaluate the need for the waiver. Granting of the waiver shall depend upon verification that: (a) The students' classroom instructional time will not be reduced; and (b) the teacher's expertise is critical to the success of the local plan for excellence.

NEW SECTION, Sec. 202. A new section is added to chapter 28A.41 RCW to read as follows:

Commencing with the 1987-88 school year, the formula adopted by the legislature pursuant to RCW 28A.41.140 shall include a ratio of one certificated person to sixteen and sixty-seven one-hundredths annual average full time equivalent vocational students in grades nine through twelve enrolled in vocational education programs approved by the superintendent of public instruction: PROVIDED, That any increase in funds generated by the change in the ratio of certificated personnel to annual average full time equivalent vocational students shall be used by local school districts to provide additional support for their local vocational education programs commencing with the 1987-88 school year.

NEW SECTION, Sec. 203. A new section is added to chapter 28A.41 RCW to read as follows:

The legislature shall establish for each school year in the appropriations act a state-wide salary allocation schedule, for allocation purposes only, to be used to distribute funds for basic education certificated instructional staff salaries under RCW 28A.41.140.

**NEW SECTION, Sec. 204.** A new section is added to chapter 28A.58 RCW to read as follows:

(1) Every school district board of directors shall fix, alter, allow, and order paid salaries and compensation for all district employees in conformance with this section.

(2)(a) The actual average salary paid to basic education certificated instructional staff shall not exceed the district's average basic education certificated instructional staff salary used for the state basic education allocations for that school year as established in the appropriations act.

(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:

(i) Payment for unused leave for illness or injury under RCW 28A.58.096; and

(ii) Employer contributions for old age survivors insurance, workers' compensation, unemployment compensation, and retirement benefits under the Washington state retirement system.

(c) Salary and benefits for certificated instructional staff in programs other than basic education shall be consistent with the salary and benefits paid to certificated instructional staff in the basic education program.

(3) Salaries and benefits for certificated instructional staff may exceed the limitations in subsection (2) of this section only by separate contract for additional time, additional responsibilities, or incentives. Supplemental contracts shall not cause the state to incur any present or future funding obligation. Supplemental contracts shall be subject to the collective bargaining provisions of chapter 41.59 RCW and the provisions of RCW 28A.67.074, shall not exceed one year, and if not renewed shall not constitute adverse change in accordance with RCW 28A.58.450 through 28A.58.515. No district may enter into a supplemental contract under this subsection for the provision of services which are a part of the basic education program required by Article IX, section 3 of the state Constitution.

Sec. 205. Section 3, chapter 16, Laws of 1981 and RCW 41.59.935 are each amended to read as follows:

Nothing in this chapter shall be construed to grant employers or employees the right to reach agreements regarding salary or compensation increases in excess of those authorized in accordance with ~~((RCW 28A.58.095))~~ sections 203 and 204 of this 1987 act.

Sec. 206. Section 2, chapter 143, Laws of 1986 and RCW 28A.02.325 are each amended to read as follows:

The board of directors of the school district shall make the final determination as to whether an employee suggestion award will be made and shall determine the nature and extent of the award. The award shall not be a regular or supplemental compensation program for all employees and the suggestion must, in fact, result in actual savings greater than the award amount. Any moneys which may be awarded to an employee as part of an employee suggestion program shall not be considered salary or compensation for the purposes of ~~((RCW 28A.58.095))~~ section 204 of this 1987 act or chapter 41.40 RCW.

Sec. 207. Section 5, chapter 278, Laws of 1984 and RCW 28A.03.425 are each amended to read as follows:

The office of the superintendent of public instruction, in consultation with the state board of education, shall prepare model curriculum programs and/or curriculum guidelines in three subject areas each year. These model curriculum programs or curriculum guidelines shall span all grade levels and shall include statements of expected learning outcomes, content, integration with other subject areas, recommended instructional strategies, and suggested resources.

Certificated employees with expertise in the subject area under consideration shall be chosen by the superintendent of public instruction from each educational service district, from a list of persons suggested by their peers, to work with the staff of the superintendent of public instruction to prepare each model curriculum program or curriculum guidelines. Each participant shall be paid his or her regular salary by his or her district, and travel and per diem expenses by the superintendent of public instruction. The superintendent of public instruction shall make selections of additional experts in the subject area under consideration as are needed to provide technical assistance and to review and comment upon the model curriculum programs and/or curriculum guidelines before publication and shall be paid travel and per diem expenses by the superintendent of public instruction as necessary. The model curriculum programs and curriculum guidelines shall be made available to all districts. Participants developing model curriculum programs and/or curriculum guidelines may be used by school districts to provide training or technical assistance or both. After completion of the original development of model curriculum programs or curriculum guidelines, the office of the superintendent of public instruction shall schedule, at least every five years, a regular review and

updating of programs and guidelines in each subject matter area. (~~Any travel and per diem expenses provided to employees involved in the development of model programs or guidelines shall not be considered salary or compensation for purposes of the limitations established in RCW 28A.58.095.~~)

Sec. 208. Section 2, chapter 147, Laws of 1986 and RCW 28A.03.523 are each amended to read as follows:

(1) The superintendent of public instruction shall establish an annual award program for excellence in education to recognize teachers, principals, school district superintendents, and school boards for their leadership, contributions, and commitment to education. The program shall recognize annually:

(a) Three teachers from each congressional district of the state. One individual must be an elementary level teacher, one must be a junior high or middle school level teacher, and one must be a secondary level teacher;

(b) Three principals from each congressional district of the state. One individual must be an elementary building principal, one must be a junior high or middle school building principal, and one must be a secondary building principal;

(c) One school district superintendent from the state; and

(d) One school district board of directors from the state.

Not more than three teachers and three principals from each congressional district and one superintendent and one school board from the state may be recognized and receive awards in any school year.

(2) The awards for teachers and principals shall include certificates presented by the governor and the superintendent of public instruction at a public ceremony or ceremonies in appropriate locations.

(3) In addition to certificates under subsection (2) of this section, awards for teachers and principals shall include:

(a) A waiver of tuition and fees under RCW 28B.15.547 and a stipend not to exceed one thousand dollars to cover costs incurred in taking courses for which the tuition and fees have been waived under this subsection and RCW 28B.15.547. The stipend shall not be considered compensation for the purposes of (~~RCW 28A.58.095~~) section 204 of this 1987 act; or

(b) Teachers and principals, at their discretion, may elect to forego the waiver of tuition and fees and the stipend under subsection (3) of this section and apply for a grant not to exceed one thousand dollars, which grant shall be awarded under the provisions of RCW 28A.03.535. Within one year of receiving the award for excellence in education, teachers and principals shall notify the superintendent of public instruction in writing of their decision to apply for a grant or to receive the waiver of tuition and fees and the stipend under subsection (3) of this section.

Sec. 209. Section 2, chapter 399, Laws of 1985 and RCW 28A.58.842 are each amended to read as follows:

The board of directors of any school district may establish a commendable employee service and recognition award program for certificated and classified school employees. The program shall be designed to recognize exemplary service, special achievements, or outstanding contributions by an individual in the performance of his or her duties as an employee of the school district. The board of directors of the school district shall determine the extent and type of any nonmonetary award. The value of any nonmonetary award shall not be deemed salary or compensation for the purposes of (~~RCW 28A.58.095~~) section 204 of this 1987 act or chapter 41.32 RCW.

NEW SECTION, Sec. 210. The following acts or parts of acts are each repealed:

(1) Section 7, chapter 349, Laws of 1985 and RCW 28A.58.093;

(2) Section 2, chapter 16, Laws of 1981, section 1, chapter 275, Laws of 1983, section 1, chapter 245, Laws of 1984 and RCW 28A.58.095; and

(3) Section 4, chapter 16, Laws of 1981 and RCW 41.56.960.

NEW SECTION, Sec. 211. 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. 212. This act shall take effect September 1, 1987.

Senator Tanner moved that the following amendment to the Committee on Ways and Means amendment be adopted:

Beginning on page 10, line 23 of the Senate Ways and Means Committee Amendment, after "NEW SECTION, Sec. 102," strike all material through "year," on page 12, line 32 and insert "(1) Commencing with taxes assessed in calendar year 1988 to be collected in calendar year 1989 and thereafter, in addition to a school district's other general fund allocations, each eligible district shall be provided local effort assistance funds if funds are made specifically available by the legislature to be determined as provided in this section. Such funds are not part of the district's basic education allocation but the legislature intends to appropriate funds as necessary to implement this section.

(2) (a) "Prior tax collection year" shall mean the calendar year immediately preceding the calendar year in which the local effort assistance shall be allocated.

(b) "County indicated ratio" shall mean the ratio established by the department of revenue under RCW 84.48.085.

(c) The "ten percent levy" of a district shall mean 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.

(d) The "state-wide average assessed valuation per pupil" shall mean the total of all districts' assessed valuations for excess levy purposes in the prior tax collection year as adjusted to one hundred percent by the county indicated ratio, divided by the average annual full time equivalent enrollment for all school districts in the prior school year.

(e) The "assessed valuation per pupil" of a district shall mean 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, divided by the average annual full time equivalent students of the district in the prior school year. For the purposes of this calculation, nonresident full time equivalent pupils who are participating in a program provided for in chapter 28A.44 RCW or in any other program pursuant to an interdistrict agreement shall be included in the enrollment of the resident district and excluded from the enrollment of the serving district.

(f) "Eligible districts" shall mean those districts with an assessed valuation per pupil which is less than the state-wide average assessed valuation per pupil.

(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 state-wide average assessed valuation per pupil and the district's assessed valuation per pupil; to (ii) the district's assessed valuation per pupil.

(b) The maximum amount of state matching funds for which a district may be eligible in any tax collection year shall be a district's ten percent levy, multiplied by the following percentage: The difference between the state-wide average assessed valuation per pupil and the district's assessed valuation per pupil, divided by the state-wide average assessed valuation per pupil.

(4) Fifty-five percent of local effort assistance funds shall be distributed to qualifying districts during the applicable tax collection year on or before June 30 and forty-five percent shall be distributed on or before December 31 of any year."

Debate ensued.

#### POINT OF ORDER

Senator Bottiger: "Mr. President, I raise the point of order that the Senator is reading from something that we can all read faster than he can talk."

#### REPLY BY THE PRESIDENT

President Cherberg: "The point is well taken."

Further debate ensued.

#### POINT OF INQUIRY

Senator Smitherman: "Senator Tanner, I was wondering, did you discuss your particular mechanistic proposition with any of the school directors or school board members or anybody like that in your district or any other district?"

Senator Tanner: "No, I did not."

Further debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Tanner to the Committee on Ways and Means amendment.

Senator Tanner demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator Tanner to the Committee on Ways and Means amendment.

#### ROLL CALL

The Secretary called the roll and the motion by Senator Tanner failed and the amendment to the committee amendment was not adopted by the following vote: Yeas, 19; nays, 30.

Voting yea: Senators Anderson, Bailey, Bluechel, Craswell, Deccio, Garrett, Johnson, Lee, McCaslin, Metcalf, Owen, Pullen, Saling, Sellar, Stratton, Tanner, von Reichbauer, Warnke, West - 19.

Voting nay: Senators Barr, Bauer, Bender, Benitz, Bottiger, Cantu, Conner, DeJarnatt, Fleming, Gaspard, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, McDermott, McDonald.

Moore, Nelson, Newhouse, Patterson, Peterson, Rasmussen, Rinehart, Smitherman, Talmadge, Vogild, Williams, Wojahn, Zimmerman - 30.

## MOTION

Senator Craswell moved that the following amendments by Senators Craswell, Hayner, Saling and Pullen to the Committee on Ways and Means amendment be considered simultaneously and adopted:

On page 12, line 3, after "Funds" insert "which could be"

On page 12, line 28, strike "qualifying" and insert "eligible"

On page 12, line 32, after "years" insert "whether or not the eligible district has approved an excess levy"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendments by Senators Craswell, Hayner, Saling and Pullen to the Committee on Ways and Means amendment.

The motion by Senator Craswell failed and the amendments to the committee amendment were not adopted.

## MOTION

Senator Craswell moved that the following amendment by Senators Craswell, Metcalf and Pullen to the Committee on Ways and Means amendment be adopted: Beginning on page 2, line 6, strike all material through line 11 on page 14

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senators Craswell, Metcalf and Pullen to the Committee on Ways and Means amendment.

The motion by Senator Craswell failed and the amendment to the committee amendment was not adopted.

## MOTION

On motion of Senator Gaspard, the following amendment to the Committee on Ways and Means amendment was adopted:

On page 25, line 22, after "time" strike ", additional responsibilities, or incentives" and insert "or additional responsibilities"

## MOTION

Senator McDonald moved that the following amendment by Senators McDonald and Nelson to the Committee on Ways and Means amendment be adopted:

Beginning on page 1, after line 10, strike all the material down to and including "41.56-.960." on page 31, line 25, and insert the following:

"Sec. 101. Section 1, chapter 374, Laws of 1985 and RCW 84.52.0531 are each amended to read as follows:

The maximum dollar amount which may be levied by or for any school district for maintenance and operation support under the provisions of RCW 84.52.053 shall be determined as follows:

(1) For excess levies (~~in 1985~~), for collection in (~~1986 and thereafter~~); calendar year 1988, the maximum dollar amount shall be the sum of:

(a) That amount equal to ((ten percent of each school)) the district's base year levy percentage as defined in subsection (5) of this section multiplied by the district's prior year basic education allocation; plus

(b) That amount equal to ((ten percent of each school)) the district's base year levy percentage multiplied by the district's prior year state allocation, exclusive of federal funds, for the following programs:

(i) Pupil transportation;

(ii) Handicapped education costs;

(iii) Gifted; and

(iv) Compensatory education, including but not limited to remediation assistance, bilingual education, and urban, rural, racial disadvantaged programs; plus

(c) That amount equal to the sum under (a) and (b) of this subsection improved by the percent increase per full time equivalent student in the state basic education appropriation between the prior school year and the current school year; plus

(d) In the case of nonhigh school districts only, an amount equal to the total estimated amount due by the nonhigh school district to high school districts pursuant to chapter 28A.44

RCW, as now or hereafter amended, for the school year during which collection of the levy is to commence, less the increase in the nonhigh school district's basic education allocation as computed pursuant to subsection (4) of this section due to the inclusion of pupils participating in a program provided for in chapter 28A.44 RCW in such computation.

(2) Excess levies authorized under this section or under RCW 84.52.052 shall not be used directly or indirectly to increase the average salary or fringe benefits for certificated or classified personnel in any school district: PROVIDED, That any school district may expend excess levy funds to provide increases in salary and fringe benefits for classified or certificated personnel whose salary and fringe benefits are provided wholly from local school district excess levies in a percentage not to exceed the respective average percentage increases in the salary and fringe benefit levels for classified and certificated employees of the district funded with state appropriated funds: PROVIDED FURTHER, That those contracts which have been negotiated prior to July 1, 1977 by those school districts for such school year shall not be abrogated by this section. "Fringe benefits" for purposes of this subsection shall include:

- (a) Employer retirement contributions, if applicable;
- (b) Health and insurance payments including life, accident, disability, unemployment compensation, and workmen's compensation; and
- (c) Employer social security contributions.

(3) Any school district whose average base compensation for certificated or classified personnel respectively is below state-wide average base compensation level for certificated or classified personnel during the preceding school year, may collect and expend property taxes authorized by this section, or under RCW 84.52.052, for the purpose of increasing such district's average compensation for certificated or classified personnel as allowed in the latest applicable state operating budget. "Compensation", for purposes of this subsection, shall mean salary plus fringe benefits for classified and certificated personnel of a school district as allowed in the latest applicable state operating budget.

(4) For the purpose of this section, the basic education allocation shall be determined pursuant to RCW 28A.41.130, 28A.41.140, and 28A.41.145, as now or hereafter amended: PROVIDED, That when determining the basic education allocation under subsections (1) and (7) of this section, ~~((effective September 1, 1979;))~~ nonresident full time equivalent pupils who are participating in a program provided for in chapter 28A.44 RCW or in any other program pursuant to an interdistrict agreement shall be included in the enrollment of the resident district and excluded from the enrollment of the serving district.

~~((Certificated personnel shall include those persons employed by a school district in a teaching, instructional, administrative or supervisory capacity and who hold positions as certificated personnel 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. Classified personnel shall include those persons employed by a school district other than certificated personnel as defined in this section in a capacity for which certification is not required.~~

~~(5) Any district is authorized to exceed the levy limitations imposed by subsection (1) for taxes to be collected during calendar years 1985 through 1993 as follows:~~

~~(a)) (5) For excess levies to be collected in calendar year((s 1986, 1987, and)) 1988, a base year levy percentage shall be established, which shall be the district's maximum levy percentage for calendar year 1988 for the purposes of subsection (8) of this section. The base year levy percentage shall be equal to the greater of: ((#)) (a) The district's actual levy percentage for calendar year 1985, ((##)) (b) the average levy percentage for all school district levies in the state in calendar year 1985, or ((##)) (c) the average levy percentage for all school district levies in the educational service district of the district in calendar year 1985.~~

~~((#b) The base year levy percentage established in (a) of this subsection shall be reduced in even increments beginning in calendar year 1989. The incremental reduction shall equal one-fifth of the percentage points the base year levy percentage exceeds the amount authorized in subsection (1) of this section.~~

~~(c) For excess levies to be collected in calendar year 1993, the maximum dollar amount which may be levied by or for any school district shall not exceed the amount authorized in subsection (1) of this section. The provisions of this subsection shall not apply to excess levies to be collected after calendar year 1993;))~~

~~(6) For excess levies for collection in calendar year 1989 and thereafter, the maximum dollar amount shall be the total of:~~

~~(a) The district's levy base as defined in subsection (7) of this section multiplied by the district's maximum levy percentage as defined in subsection (8) of this section; plus~~

~~(b) In the case of nonhigh districts only, an amount equal to the total estimated amount due by the nonhigh school district to high school districts pursuant to chapter 28A.44 RCW for the school year during which collection of the levy is to commence, less the increase in the nonhigh school district's basic education allocation as computed pursuant to subsection (4) of this section due to the inclusion of pupils participating in a program provided for in chapter 28A.44 RCW in such computation; less~~



(c) The maximum amount of state matching funds under section 102 of this 1987 act for which the district is eligible in that tax collection year.

(7) For levies collected in calendar year 1989 and thereafter, a district's levy base shall be the sum of the district's prior school year allocations of state and federal funds, including allocations for compensation increases, for the following programs and purposes:

(a) General apportionment (basic education);

(b) Secondary vocational education;

(c) Pupil transportation;

(d) Handicapped education;

(e) Education of highly capable students;

(f) Compensatory education, including but not limited to remediation assistance, migrant education, Indian education, and bilingual education;

(g) Food services;

(h) The amount of direct federal grants based on the most recent and verified school year data available to the superintendent of public instruction; and

(i) The sum of (a) through (h) of this subsection improved by the percent increase per full time equivalent student in the state basic education appropriation between the prior school year and the current school year.

(8) For levies to be collected in calendar year 1989 and thereafter, a district's maximum levy percentage shall be determined as follows:

(a) Multiply the district's maximum levy percentage for the prior year or thirty percent, whichever is less, by the district's levy base as determined in subsection (7) of this section;

(b) Reduce the amount in (a) of this subsection by the total amount of any levy reduction funds as defined in subsection (9) of this section which were allocated to the district for the prior school year;

(c) Divide the amount in (b) of this subsection by the district's levy base to compute a new percentage; and

(d) The percentage in (c) of this subsection or twenty percent, whichever is greater, shall be the district's maximum levy percentage for levies collected in that calendar year.

(9) Levy reduction funds shall mean increases in state allocations included within a district's levy base under subsection (7) of this section which are not attributable to enrollment or workload changes, compensation increases, or inflationary adjustments recognized in state allocation formulas. Any other increases in state allocations from the district's allocations for the school year immediately preceding, which are not specifically excluded in this subsection, shall be considered levy reduction funds.

(10) For the purposes of this section, "prior school year" shall mean the most recent school year completed prior to the year in which the levies are to be collected.

(11) For the purposes of this section, "current school year" shall mean the year immediately following the prior school year.

(12) The superintendent of public instruction shall develop rules and regulations and inform school districts of the pertinent data necessary to carry out the provisions of this section.

NEW SECTION. Sec. 102. A new section is added to chapter 28A.41 RCW to read as follows:

(1) Commencing with taxes assessed in 1988 to be collected in calendar year 1989 and thereafter, in addition to a school district's other general fund allocations, each eligible district shall be provided local effort assistance funds if funds are made specifically available by the legislature to be determined as provided in this section. Such funds are not part of the district's basic education allocation but the legislature intends to appropriate funds as necessary to implement this section.

(2) (a) "Prior tax collection year" shall mean the year immediately preceding the year in which the local effort assistance shall be allocated.

(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(7) 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(7), plus one-half of any amount computed under RCW 84.52.0531(6)(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(7), 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.

(4) Fifty-five percent of local effort assistance funds shall be distributed to qualifying districts during the applicable tax collection year on or before June 30 and forty-five percent shall be distributed on or before December 31 of any year.

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."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Debate ensued.

President Pro Tempore Rasmussen assumed the chair.

Further debate ensued.

Senator Bottiger demanded a roll call and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be the roll call on adoption of the amendment by Senators McDonald and Nelson to the Committee on Ways and Means amendment.

#### ROLL CALL

The Secretary called the roll and the motion by Senator McDonald failed and the amendment to the committee amendment was not adopted by the following vote: Yeas, 24; nays, 25.

Voting yea: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Decchio, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Patterson, Pullen, Saling, Sellar, von Reichbauer, West, Zimmerman - 24.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kreidler, McDermott, Moore, Owen, Peterson, Rasmussen, Rinehart, Smitherman, Stratton, Talmadge, Tanner, Vogniid, Warnke, Williams, Wojahn - 25.

The President Pro Tempore declared the question before the Senate to be adoption of the Committee on Ways and Means amendment, as amended.

The Committee on Ways and Means amendment, as amended, was adopted.

#### MOTIONS

On motion of Senator Gaspard, the following title amendment was adopted:

On page 1, line 1 of the title, after "education;" strike the remainder of the title and insert "amending RCW 84.52.0531, 84.52.053, 28A.41.140, 41.59.935, 28A.02.325, 28A.03.425, 28A.03.523, and 28A.58.842; 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."

On motion of Senator Gaspard, the rules were suspended, Engrossed Second Substitute House Bill No. 455, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Barr: "Senator Bauer, in relation to the old House Bill No. 166 issue, explain what this bill did and to what extent does it still deal with the possibility and to what extent of the teachers bargaining for the local levy money? Could you clarify that for me, because this is serious and if it deals with it to the extent that I think it does, it will be a deciding factor as to whether I vote yes or no."

Senator Bauer: "As I understand it--others might want to speak to that--but the Governor's original plan, as you know, was to devise some kind of a fairly heavy criteria for allowing any additional money to be used--of the special levy money to be used for salaries and as we see it in this bill now, as Senator Gaspard just pointed out to me again, that we have in the place of House Bill No. 166, we have where a district may give additional salary--not general salary increases--but for conditions such as time, responsibility and the Governor had initiative and performance. The performance and initiative were negotiated out here, so no teacher is going to get any additional money unless the school district decides that that teacher has performed some additional responsibility or has performed some additional time--a couple days to develop a curriculum or in the case of a head teacher, responsibility. If you are a teacher and you are teaching six periods a day, but you've been made the master teacher and therefore, having to help develop the curriculum and the programs, you will be entitled to work a couple of additional days and maybe get additional dollars for that particular purpose. There are a lot of things that districts do now that grant additional salaries for additional responsibility and time.

"In terms of the classified administrators salaries, those monies will be on the table for bargaining and that, as I understand it, that's a change in current practice. So, in your case, your administrators can decide to take money off the table, from classified or from whatever is driven out there, to hire that extra administrator that you need in your district, because now, the Legislature is going to drive more dollars out there by the fifty-one per thousand or fifty-two per thousand. So, there is more money out there on the table for administrators to deal with, to bargain with and the restrictions on teachers, the certificated staff, is now converted over to this time and responsibility."

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Second Substitute House Bill No. 455, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Second Substitute House Bill No. 455, as amended by the Senate, and the bill failed to pass the Senate by the following vote: Yeas, 24; nays, 25.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kreidler, McDermott, Moore, Peterson, Rasmussen, Rinehart, Smitherman, Stratton, Talmadge, Tanner, Vognild, Warnke, Williams, Wojahn - 24.

Voting nay: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Pullen, Saling, Sellar, von Reichbauer, West, Zimmerman - 25.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 455, as amended by the Senate, having failed to receive the constitutional majority, was declared lost.

#### MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Owen moved that the Senate reconsider the vote by which Engrossed Second Substitute House Bill No. 455, as amended by the Senate, failed to pass the Senate.

#### RULING BY PRESIDENT PRO TEMPORE

President Pro Tempore Rasmussen: "Senator Owen, after the tenth day before the end of the session, you have to move for immediate reconsideration. Is that what your motion is?"

Senator Owen: "Yes, Mr. President."

The President Pro Tempore declared the question before the Senate to be the motion by Senator Owen that the Senate reconsider the vote by which Engrossed Second Substitute House Bill No. 455, as amended by the Senate, failed to pass the Senate.

The motion by Senator Owen carried and the Senate will reconsider Engrossed Second Substitute House Bill No. 455, as amended by the Senate.

#### MOTION

On motion of Senator Vognild, further consideration of Engrossed Second Substitute House Bill No. 455, as amended by the Senate, on reconsideration, was deferred.

#### MOTIONS

On motion of Senator Vognild, the Senate returned to the fourth order of business.

On motion of Senator Vognild, the Senate commenced consideration of Engrossed Second Substitute Senate Bill No. 5659.

#### MESSAGE FROM THE HOUSE

April 15, 1987

Mr. President:

The House has passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5659 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 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 safety 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

((c)) (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 safety of the child. 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 licensed physician of the parents' choice believes that such expert medical opinion is incorrect. If the parents fail to designate a second physician, the department may make the selection. 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. Unless the child objects, the department or law enforcement agency shall make reasonable efforts to include a third party in any interview so long as the presence of the third party will not jeopardize the course of the investigation.

(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 Mr. President:

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."

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; and reenacting and amending RCW 13.34.060."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTION

Senator Wojahn moved that the Senate do not concur in the House amendments to Engrossed Second Substitute Senate Bill No. 5659.

## MOTION

Senator Craswell moved that the Senate do concur in the House amendments to Engrossed Second Substitute Senate Bill No. 5659.

Debate ensued.

Senator Talmadge demanded a roll call and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be the roll call on the positive motion by Senator Craswell that the Senate do concur in the House amendments to Engrossed Second Substitute Senate Bill No. 5659.

## ROLL CALL

The Secretary called the roll and the motion by Senator Craswell carried and the Senate concurred in the House amendments by the following vote: Yeas, 26; nays, 23.

Voting yea: Senators Anderson, Bailey, Barr, Benitz, Cantu, Craswell, Deccio, Hayner, Johnson, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Sellar, Smitherman, Stratton, Tanner, von Reichbauer, West, Zimmerman - 26.

Voting nay: Senators Bauer, Bender, Bluechel, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kiskaddon, Kreidler, McDermott, Moore, Peterson, Rinehart, Saling, Talmadge, Vognild, Warnke, Williams, Wojahn - 23.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Second Substitute Senate Bill No. 5659, as amended by the House.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Second Substitute Senate Bill No. 5659, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; nays, 6.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDermott, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Zimmerman - 43.

Voting nay: Senators Bottiger, DeJarnatt, Kreidler, Moore, Rinehart, Wojahn - 6.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5659, 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.

#### DISPENSE WITH CALL OF THE SENATE

The Call of the Senate was dispensed with on motion of Senator Vognild.

#### MESSAGE FROM THE HOUSE

April 16, 1987

Mr. President:

The House has passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5441 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 deprecation 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."

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; and creating a new section.",

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

On motion of Senator Vognild, the Senate refuses to concur in the House amendments to Engrossed Second Substitute Senate Bill No. 5441 and asks the House to recede therefrom.

#### MESSAGE FROM THE HOUSE

April 16, 1987

Mr. President:

The House has passed SECOND SUBSTITUTE SENATE BILL NO. 5453 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 dementing 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 deter 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."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

On motion of Senator Vognild, the Senate refuses to concur in the House amendments to Second Substitute Senate Bill No. 5453 and asks the House to recede therefrom.

#### MESSAGE FROM THE HOUSE

April 13, 1987

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 5463 with the following amendments:

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 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 parents; 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."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Vognild, the Senate refuses to concur in the House amendments to Engrossed Senate Bill No. 5463 and asks the House to recede therefrom.

## MESSAGE FROM THE HOUSE

April 16, 1987

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 5549 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."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Vognild, the Senate refuses to concur in the House amendments to Engrossed Senate Bill No. 5549 and asks the House to recede therefrom.

## MESSAGE FROM THE HOUSE

April 16, 1987

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 5814 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.

**Sec. 3. Section 4, chapter 241, Laws of 1986 and RCW 46.70.023 are each amended to read as follows:**

(1) An "established place of business" requires a permanent, enclosed commercial building located within the state of Washington easily accessible at all reasonable times. An established place of business shall have an improved display area of not less than three thousand square feet in or immediately adjoining the building, or a display area large enough to display six or more vehicles of the type the dealer is licensed to sell, whichever area is larger. The business of a vehicle dealer, including the display and repair of vehicles, may be lawfully carried on at an established place of business in accordance with the terms of all applicable building code, zoning, and other land-use regulatory ordinances. The dealer shall keep the building open to the public so that they may contact the vehicle dealer or the dealer's salespersons at all reasonable times. The books, records, and files necessary to conduct the business shall be kept and maintained at that place. The established place of business shall display an exterior sign with the business name and nature of the business, such as auto sales, permanently affixed to the land or building, with letters clearly visible to the major avenue of traffic. In no event may a room or rooms in a hotel, rooming house, or apartment house building or part of a single or multiple-unit dwelling house be considered an "established place of business" unless the ground floor of such a dwelling is devoted principally to and occupied for commercial purposes and the dealer offices are located on the ground floor. A mobile office or mobile home may be used as an office if it is connected to utilities and is set up in accordance with state law.

(2) If a dealer maintains a place of business at more than one location or under more than one name in this state, he or she shall designate one location as the principal place of business of the firm, one name as the principal name of the firm, and all other locations or names as subagencies. A subagency license is required for each and every subagency; PROVIDED, That the department may grant an exception to the subagency requirement in the specific instance where a licensed new motor vehicle dealer is unable to locate their used vehicle sales facilities adjacent to or at the established place of business. This exception shall be granted and defined under the promulgation of rules consistent with the administrative procedure act.

(3) All vehicle dealers shall maintain ownership or leasehold throughout the license year of the real property from which they do business. The dealer shall provide the department with evidence of ownership or leasehold whenever the ownership changes or the lease is terminated.

(4) A subagency shall comply with all requirements of an established place of business.

(5) A temporary subagency shall meet all local zoning and building codes for the type of merchandising being conducted. The dealer license certificate shall be posted at the location. No other requirements of an established place of business apply to a temporary subagency.

(6) A wholesale vehicle dealer shall have office facilities in a commercial building within this state, and all storage facilities for inventory shall be listed with the department, and shall meet local zoning and land use ordinances. A wholesale vehicle dealer shall maintain a telecommunications system. An exterior sign visible from the nearest street shall identify the business name and the nature of business. A wholesale dealer need not maintain a display area as required in this section. When two or more vehicle dealer businesses share a location, all records, office facilities, and inventory, if any, must be physically segregated and clearly identified.

(7) A retail vehicle dealer shall be open during normal business hours, maintain office and display facilities in a commercially zoned location or in a location complying with all applicable building and land use ordinances, and maintain a business telephone listing in the local directory. When two or more vehicle dealer businesses share a location, all records, office facilities, and inventory shall be physically segregated and clearly identified.

(8) A listing dealer need not have a display area if the dealer does not physically maintain any vehicles for display.

(9) A subagency license is not required for a mobile home dealer to display an on-site display model, a consigned mobile home not relocated from its site, or a repossessed mobile home if sales are handled from a principal place of business or subagency. A mobile home dealer shall identify on-site display models, repossessed mobile homes, and those consigned at their sites with a sign that includes the dealer's name and telephone number.

(10) Every vehicle dealer shall advise the department of the location of each and every place of business of the firm and the name or names under which the firm is doing business at such location or locations. If any name or location is changed, the dealer shall notify the department of such change within ten days. The license issued by the department shall reflect the name and location of the firm and shall be posted in a conspicuous place at that location by the dealer.

(11) A vehicle dealer's license shall upon the death or incapacity of an individual vehicle dealer authorize the personal representative of such dealer, subject to payment of license fees, to continue the business for a period of six months from the date of the death or incapacity.

(12) A dealer who is a mobile home park owner may display and sell mobile homes at the mobile home park without an additional display area. The sale of mobile homes by a dealer at the mobile home park shall not be a violation of local zoning ordinances that prohibit commercial activity in the zone the mobile home park is located if the sale relates to the mobile home park. In this subsection, a mobile home sale relates to a mobile home park if: (a) it is a home presently located in the park owned by the dealer where (i) it is being sold to a new tenant, or (ii) it is a home that has been in the park for at least one year and is being moved to make room for another mobile home; or (b) it is a home presently not located in the park but is being sold to a tenant who will move the home into the park. This subsection does not change or limit any other requirements of this chapter.

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 immediately.

On page 1, line 1 of the title, after "homes;" strike the remainder of the title and insert "amending RCW 18.27.090 and 46.70.023; creating a new section; and declaring an emergency."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

On motion of Senator Vognild, the Senate refuses to concur in the House amendments to Substitute Senate Bill No. 5814 and asks the House to recede therefrom.

## MESSAGE FROM THE HOUSE

April 17, 1987

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 5825 with the following amendments:

On page 1, line 5, strike section 1

Renumber the remaining sections and correct any internal references

On page 5, line 8, after "bedrooms;" strike "and"

On page 5, line 9, after "fireplaces" strike "." and insert ";

(7) A statement of any scenic view which might affect the value of the apartment; and

(8) The initial value of the apartment relative to the other apartments in the building.

On page 6, line 2, after "(3)" strike all material through "force" on line 3 and insert "Four public members, appointed by the Governor, who own and occupy individual apartments, none of whom is a member of any of the entities described in subsections (4) through (11) of this section;

(4) One member appointed by the Director of Licensing;"

Renumber the remaining subsections,

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Vognild, the Senate refuses to concur in the House amendments to Substitute Senate Bill No. 5825 and asks the House to recede therefrom.



## MESSAGE FROM THE HOUSE

April 13, 1987

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5838 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) (i) Subject to (b)(ii) of this subsection, 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;

(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 (7)(b)(i) of this section only if the buyer moves an additional five miles or more from the health studio.

(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) (a) Subject to (b) of this subsection, 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.

(b) 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.

(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."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

On motion of Senator Vognild, the Senate refuses to concur in the House amendments to Engrossed Substitute Senate Bill No. 5838 and asks the House to recede therefrom.

## MESSAGE FROM THE HOUSE

April 16, 1987

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 5854 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) Wilfully 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 entire cost of carrying out the department's responsibilities under this chapter shall be covered by these application and review fees. 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, wilfully 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."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Vognild, the Senate refuses to concur in the House amendments to Substitute Senate Bill No. 5854 and asks the House to recede therefrom.

## MESSAGE FROM THE HOUSE

April 17, 1987

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 5941 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 director shall adopt a comprehensive plan for establishing hazardous waste fees. Such plan shall require (1) the department to impose fees, or a method of determining fees, with respect to any notices, reports, permits or applications required to be filed with the department under, or any inspections, reports or studies conducted by the department under, this chapter or rules adopted pursuant to this chapter; (2) all fees charged to be reasonable; and (3) the fees for each type of notice, report, permit, application, inspection, or study to be set at a level or levels which may not generate revenues in excess of the amount of public funds that are used to pay for the particular hazardous waste program to which that type of notice, report, permit, application, inspection or study pertains. The director shall fully implement the plan within ninety days after the effective date of this 1987 act. The director may revise the plan in order to address changed circumstances and shall implement the revised plan as provided therein. All fees collected pursuant to this section shall be deposited in the hazardous waste control and elimination account. The fees initially established under this 1987 act also shall apply to all permit applications pending before the department at the time the plan is first adopted.

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 "planning;" strike the remainder of the title and insert "adding a new section to chapter 70.105 RCW; creating new sections; and declaring an emergency."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Vognild, the Senate refuses to concur in the House amendments to Substitute Senate Bill No. 5941 and asks the House to recede therefrom.

## MESSAGE FROM THE HOUSE

April 17, 1987

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 5977 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 may expand any existing educational telecommunication system without the approval of the higher education coordinating board and the superintendent of public instruction or implement or start any new 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.

(4) The superintendent of public instruction and the higher education coordinating board will present a progress report to the legislature no later than December 1, 1988.

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."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Vognild, the Senate refuses to concur in the House amendments to Substitute Senate Bill No. 5977 and asks the House to recede therefrom.

## MESSAGE FROM THE HOUSE

April 16, 1987

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 5996 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 Seattle 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, but may require modifications prior to approval.

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 receive 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 institute and expend the same or any income therefrom according to the terms of the gifts, grants, or endowments;

(3) To employ a director of the institute, who shall serve at the pleasure of the directors;

(4) 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;

(5) To have full authority and responsibility for management, policy decisions, curriculum development, and resource allocations involving the institute, subject to annual approval of the budget by the sixth community college district board of trustees;

(6) 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;

(7) To hire necessary staff;

(8) To negotiate with public and private service providers for instructional activities;

(9) 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;

(10) 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

(11) 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.

and the bill and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

On motion of Senator Vognild, the Senate refuses to concur in the House amendment to Engrossed Senate Bill No. 5996 and asks the House to recede therefrom.

#### MESSAGE FROM THE HOUSE

April 15, 1987

Mr. President:

The House insists on its position regarding the House amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 5024 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Wang, Cole and Patrick, and the bill and the amendments are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

On motion of Senator Vognild, the request for a conference on Engrossed Substitute Senate Bill No. 5024 and the House amendments thereto was granted.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President Pro Tempore appointed as members of the Conference Committee on Engrossed Substitute Senate Bill No. 5024 and the House amendments thereto: Senators Warnke, Bluechel and Smitherman.

## MOTION

On motion of Senator Vognild, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

April 15, 1987

Mr. President:

The House insists on its position regarding the Senate amendments to SUBSTITUTE HOUSE BILL NO. 353 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Rayburn, Grant and Nealey, and the bill and the amendments are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Vognild, the request for a conference on Substitute House Bill No. 353 and the Senate amendments thereto was granted.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President Pro Tempore appointed as members of the Conference Committee on Substitute House Bill No. 353 and the Senate amendments thereto: Senators Hansen, Barr and Bauer.

## MOTION

On motion of Senator Vognild, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

April 15, 1987

Mr. President:

The House insists on its position regarding the Senate amendments to HOUSE BILL NO. 707 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Vekich, Sayan and Beck, and the bill and the amendments are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Vognild, the request for a conference on House Bill No. 707 and the Senate amendments thereto was granted.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President Pro Tempore appointed as members of the Conference Committee on House Bill No. 707 and the Senate amendments thereto: Senators Rinehart, Bluechel and Tanner.

## MOTION

On motion of Senator Vognild, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

April 15, 1987

Mr. President:

The House insists on its position regarding the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 743 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Vekich, Cantwell and Schoon, and the bill and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Vognild, the request for a conference on Engrossed Substitute House Bill No. 743 and the Senate amendment thereto was granted.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President Pro Tempore appointed as members of the Conference Committee on Engrossed Substitute House Bill No. 743 and the Senate amendment thereto: Senators Warnke, Cantu and Smitherman.

## MOTION

On motion of Senator Vognild, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

April 15, 1987

Mr. President:

The House insists on its position regarding the Senate amendments to SUBSTITUTE HOUSE BILL NO. 902 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Haugen, Cooper and L. Smith, and the bill and the amendments are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Vognild, the request for a conference on Substitute House Bill No. 902 and the Senate amendments thereto was granted.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President Pro Tempore appointed as members of the Conference Committee on Substitute House Bill No. 902 and the Senate amendments thereto: Senators Halsan, Zimmerman and Garrett.

## MOTION

On motion of Senator Vognild, the Conference Committee appointments were confirmed.

## MESSAGES FROM THE HOUSE

April 20, 1987

Mr. President:

The House has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 611, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 20, 1987

Mr. President:

The House concurred in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 217, and passed the bill as amended by the Senate.

ALAN THOMPSON, Chief Clerk

April 20, 1987

Mr. President:

The House concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 244, and passed the bill as amended by the Senate.

SHARON L. CASE, Assistant Chief Clerk

April 20, 1987

Mr. President:

The House concurred in the Senate amendments to ENGROSSED HOUSE BILL NO. 959, and passed the bill as amended by the Senate.

SHARON L. CASE, Assistant Chief Clerk

April 20, 1987

Mr. President:

The House concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 430, and passed the bill as amended by the Senate.

SHARON L. CASE, Assistant Chief Clerk

April 20, 1987

Mr. President:

The House concurred in the Senate amendments to HOUSE BILL NO. 310, and passed the bill as amended by the Senate.

SHARON L. CASE, Assistant Chief Clerk

April 20, 1987

Mr. President:

The House has passed:  
SUBSTITUTE SENATE BILL NO. 5456.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5604, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 17, 1987

Mr. President:

The House has failed to pass SENATE BILL NO. 5195.

ALAN THOMPSON, Chief Clerk

April 20, 1987

Mr. President:

The House concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 56, and passed the bill as amended by the Senate.

ALAN THOMPSON, Chief Clerk

April 20, 1987

Mr. President:

The House concurred in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 99, and passed the bill as amended by the Senate.

ALAN THOMPSON, Chief Clerk

April 20, 1987

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

#### INTRODUCTION AND FIRST READING OF HOUSE BILL

ESHB 611 by Committee on Ways and Means (originally sponsored by Representatives Scott, S. Wilson, P. King, Hankins, Zellinsky, Allen, R. King, Day, Haugen, May, Hargrove, Cantwell, J. Williams, Sprenkle, Jesernig and Miller)

Providing funds to offset the impact of the Navy home port in Everett.

#### MOTION

On motion of Senator Vognild, the rules were suspended, Engrossed Substitute House Bill No. 611 was advanced to second reading and placed on the second reading calendar.

#### MOTION

At 7:29 p.m., on motion of Senator Vognild, the Senate adjourned until 10:00 a.m., Tuesday, April 21, 1987.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

## ONE HUNDREDTH DAY

---

### MORNING SESSION

---

Senate Chamber, Olympia, Tuesday, April 21, 1987

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Garrett, Lee, McDermott, Warnke, West and Williams.

The Sergeant at Arms Color Guard, consisting of Pages Ben Ferguson and Jason Koski, presented the Colors. Reverend Dennis Hartsook, pastor of St. Mark Lutheran Church of Olympia, offered the prayer.

#### MOTION

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

#### MOTION

At 10:05 a.m., on motion of Senator Bottiger, the Senate was declared to be at ease.

The Senate was called to order at 10:10 a.m. by President Cherberg.

#### MESSAGE FROM THE HOUSE

April 20, 1987

Mr. President:

The House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 425, and passed the bill as amended by the Senate.

SHARON L. CASE, Assistant Chief Clerk

#### MESSAGE FROM THE HOUSE

April 20, 1987

Mr. President:

The House concurred in the Senate amendments to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 16, and passed the bill as amended by the Senate.

SHARON L. CASE, Assistant Chief Clerk

#### MESSAGE FROM THE HOUSE

April 20, 1987

Mr. President:

The House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 324, and passed the bill as amended by the Senate.

SHARON L. CASE, Assistant Chief Clerk

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

### SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENT

#### MOTION

On motion of Senator Kreidler, Gubernatorial Appointment No. 9091, Gayer Dominick, as a member of the Board of Trustees for Centralia Community College District No. 12, was confirmed.

#### APPOINTMENT OF GAYER DOMINICK

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 43; absent, 6.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen,

Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vogt, von Reichbauer, Wojahn, Zimmerman - 43.

Absent: Senators Garrett, Lee, McDermott, Warnke, West, Williams - 6.

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

MESSAGE FROM THE GOVERNOR

April 20, 1987

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on April 20, 1987, Governor Gardner approved the following Senate Bills entitled:

Substitute Senate Bill No. 5047

Relating to special license plates.

Substitute Senate Bill No. 5155

Relating to the transfer of territory from a school district.

Senate Bill No. 5164

Relating to transportation of radioactive materials.

Substitute Senate Bill No. 5254

Relating to liquor purchases by minors.

Substitute Senate Bill No. 5288

Relating to institutional care employees.

Substitute Senate Bill No. 5301

Relating to dangerous dogs.

Substitute Senate Bill No. 5329

Relating to a study of the delivery of benefits and services to persons of disability.

Substitute Senate Bill No. 5389

Relating to noise control.

Senate Bill No. 5402

Relating to the restoration of withdrawn contributions under the public employees' retirement system.

Substitute Senate Bill No. 5495

Relating to food fish and shellfish.

Substitute Senate Bill No. 5519

Relating to vesting of rights.

Substitute Senate Bill No. 5594

Relating to water rights claims.

Substitute Senate Bill No. 5598

Relating to the distribution of grants to counties under the community mental health services act.

Senate Bill No. 5668

Relating to securities issued by public service companies.

Substitute Senate Bill No. 5679

Relating to the distribution of information filed with the utilities and transportation commission.

Substitute Senate Bill No. 5688

Relating to commercial activities of institutions of higher education.

Senate Bill No. 5712

Relating to tuition and fees at institutions of higher education.

Substitute Senate Bill No. 5779

Relating to vehicle mechanical breakdown insurers.

Senate Bill No. 5822

Relating to approval of short plats and short subdivisions.

Second Substitute Senate Bill No. 5845

Relating to forest practices.

Substitute Senate Bill No. 5858

Relating to the collection of retail sales tax on the sale of mobile homes by mobile home dealers or selling agents.

Substitute Senate Bill No. 5892



Relating to the subdivision of land.

Sincerely,  
TERRY SEBRING, Legal Counsel to the Governor

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

#### MOTIONS

On motion of Senator Bender, Senators Garrett, McDermott, Warnke and Williams were excused.

On motion of Senator Zimmerman, Senators Lee and West were excused.

#### MESSAGE FROM THE HOUSE

April 17, 1987

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 5181 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."

and the bill and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

On motion of Senator Talmadge, the Senate concurred in the House amendment to Substitute Senate Bill No. 5181.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5181, as amended by the House.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5181, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; excused, 6.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Wojahn, Zimmerman - 43.

Excused: Senators Garrett, Lee, McDermott, Warnke, West, Williams - 6.

SUBSTITUTE SENATE BILL NO. 5181, 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 HOUSE

April 17, 1987

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 5191 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.

NEW SECTION. Sec. 8. A new section is added to chapter 43.131 RCW to read as follows:

The Washington state commission on Hispanic affairs and its powers and duties shall be terminated on June 30, 1996, as provided in section 9 of this act.

NEW SECTION. Sec. 9. 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, 1997:

- (1) Section 1, chapter 34, Laws of 1971 ex. sess., section 1 of this act and RCW 43.115.010;
- (2) Section 2, chapter 34, Laws of 1971 ex. sess., section 2 of this act and RCW 43.115.020;
- (3) Section 3, chapter 34, Laws of 1971 ex. sess., section 130, chapter 34, Laws of 1975-'76 2nd ex. sess., section 15, chapter 338, Laws of 1981, section 3 of this act and RCW 43.115.030;
- (4) Section 4, chapter 34, Laws of 1971 ex. sess., section 4 of this act and RCW 43.115.040;
- (5) Section 5, chapter 34, Laws of 1971 ex. sess., section 5 of this act and RCW 43.115.050;
- (6) Section 6, chapter 34, Laws of 1971 ex. sess., section 6 of this act and RCW 43.115.060;

and

- (7) Section 7, chapter 34, Laws of 1971 ex. sess. and RCW 43.115.900."

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; adding new sections to chapter 43.131 RCW; and repealing RCW 43.115.010, 43.115.020, 43.115.030, 43.115.040, 43.115.050, 43.115.060, and 43.115.900."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

Senator Halsan moved that the Senate do concur in the House amendments to Substitute Senate Bill No. 5191.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Halsan that the Senate do concur in the House amendments to Substitute Senate Bill No. 5191.

The motion by Senator Halsan carried and the Senate concurred in the House amendments to Substitute Senate Bill No. 5191.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5191, as amended by the House.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5191, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vogndild, von Reichbauer, Warnke, West, Wojahn, Zimmerman - 45.

Excused: Senators Garrett, Lee, McDermott, Williams - 4.

SUBSTITUTE SENATE BILL NO. 5191, 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 HOUSE

April 16, 1987

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 5232 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."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

On motion of Senator Smitherman, the Senate concurred in the House amendments to Substitute Senate Bill No. 5232.

#### POINT OF INQUIRY

Senator Pullen: "Senator Smitherman, I noticed this bill only got twenty-five votes the last time it was through the Senate. In fact, it passed only by the bare minimum required. Do you feel that the House amendments have allayed some of the concerns that caused this to barely pass the last time it was through here?"

Senator Smitherman: "I really do. When it passed the Senate, it did have a tremendous cost to it, like I said--\$800,000 per biennium. That was removed by the House, so that there is virtually no increase in administrative costs and what will happen, instead of it going into effect in such a way that workers can immediately make a draw from the system, there will be some delay now in a worker receiving benefits. I think really the House did a good job in providing for the changes that the Senate objected to when the bill was in its original form and so I again urge your support."

Further debate ensued.

#### MOTION

On motion of Senator Vognild, further consideration of Substitute Senate Bill No. 5232 was deferred.

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

#### SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENT

#### MOTION

On motion of Senator Gaspard, Gubernatorial Appointment No. 9044, Louis H. Pepper, as a member of the Board of Regents for Washington State University, was confirmed.

#### APPOINTMENT OF LOUIS H. PEPPER

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Excused: Senators Garrett, McDermott - 2.

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

## MESSAGE FROM THE HOUSE

April 16, 1987

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 5265 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.

and the bill and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Smitherman, the Senate concurred in the House amendment to Engrossed Senate Bill No. 5265.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 5265, as amended by the House.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 5265, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; nays, 2; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Gaspard, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Salling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vogt, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 45.

Voting nay: Senators Johnson, Metcalf - 2.

Excused: Senators Garrett, McDermott - 2.

ENGROSSED SENATE BILL NO. 5265, 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 HOUSE

April 13, 1987

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 5274 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."

and the bill and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Gaspard, the Senate concurred in the House amendment to Substitute Senate Bill No. 5274.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5274, as amended by the House.

## ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5274, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 33; nays, 14; excused, 2.

Voting yea: Senators Barr, Bauer, Bender, Bottiger, Conner, Craswell, Deccio, DeJarnatt, Fleming, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Moore, Owen,

Patterson, Peterson, Rasmussen, Rinehart, Smitherman, Stratton, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 33.

Voting nay: Senators Anderson, Bailey, Benitz, Bluechel, Cantu, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Pullen, Saling, Sellar, Talmadge - 14.

Excused: Senators Garrett, McDermott - 2.

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.

#### MESSAGE FROM THE HOUSE

April 16, 1987

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 5326 with the following amendments:

On page 2, beginning on line 19 after "committee on" strike "employment of the handicapped" and insert "disability issues and employment"

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 "creating new sections; and providing an expiration date."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

Senator Smitherman moved that the Senate do concur in the House amendments to Substitute Senate Bill No. 5326.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Smitherman that the Senate do concur in the House amendments to Substitute Senate Bill No. 5326.

The motion by Senator Smitherman carried and the Senate concurred in the House amendments to Substitute Senate Bill No. 5326.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5326, as amended by the House.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5326, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Excused: Senators Garrett, McDermott - 2.

SUBSTITUTE SENATE BILL NO. 5326, 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 HOUSE

April 16, 1987

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 5392 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)".

and the bill and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

Senator Smitherman moved that the Senate do concur in the House amendment to Substitute Senate Bill No. 5392.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Smitherman that the Senate do concur in the House amendment to Substitute Senate Bill No. 5392.

The motion by Senator Smitherman carried and the Senate concurred in the House amendment to Substitute Senate Bill No. 5392.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5392, as amended by the House.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5392, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; absent, 3; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 45.

Absent: Senators Bluechel, Hayner, McDonald - 3.

Excused: Senator McDermott - 1.

SUBSTITUTE SENATE BILL NO. 5392, 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 HOUSE

April 16, 1987

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 5423 with the following amendment:

On page 1, line 23 after "shall be" insert "immediately forwarded to the director to be".

and the bill and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

Senator Hansen moved that the Senate do concur in the House amendment to Substitute Senate Bill No. 5423.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Hansen that the Senate do concur in the House amendment to Substitute Senate Bill No. 5423.

The motion by Senator Hansen carried and the Senate concurred in the House amendment to Substitute Senate Bill No. 5423.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5423, as amended by the House.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5423, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; nays, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Voting nay: Senator Talmadge - 1.

SUBSTITUTE SENATE BILL NO. 5423, 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 Senate resumed consideration of Substitute Senate Bill No. 5232, deferred earlier today after the Senate concurred in the House amendments.

Debate ensued.



The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5232, as amended by the House.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5232, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yeas: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

SUBSTITUTE SENATE BILL NO. 5232, 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 HOUSE

April 17, 1987

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5502 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 vehicle arbitration 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, 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 during the term of the warranty period or the period of coverage of the applicable manufacturer's written warranty, whichever is less, to the manufacturer, its agent, or the new motor vehicle dealer who sold the new motor vehicle, 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. For purposes of this subsection, the manufacturer's written warranty shall be at least one year after the date of the original delivery to the consumer of the vehicle or the first twelve thousand miles of operation, whichever occurs first.

(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, 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) The same serious safety defect has been subject to repair two or more times, at least one of which is during the period of coverage of the applicable manufacturer's written warranty; (b) the same nonconformity has been subject to diagnosis or repair four or more times, at least one of which is during the period of coverage of the applicable manufacturer's written warranty, and the nonconformity continues to exist; or (c) the vehicle is out-of-service by reason of diagnosis or repair of one or more nonconformities for a cumulative total of thirty calendar days, at least fifteen of them during the period of the applicable manufacturer's written warranty. For purposes of this subsection, the manufacturer's written warranty shall be at least one year after the date of the original delivery to the consumer of the vehicle or the first twelve thousand miles of operation, whichever occurs first.

(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 corrected and the manufacturer warrants upon the resale that the defect has been corrected.

(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. If such nonconformity is corrected, the manufacturer shall notify the attorney general and the department of licensing of such correction.

(3) Upon the resale, either at wholesale or retail, or transfer of title of a motor vehicle with an uncorrected nonconformity and which was 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.

(4) Upon receipt of the manufacturer's notification under subsection (2) of this section that the nonconformity has been corrected and upon the manufacturer's request and payment of any fees, the department of licensing shall issue a new title with information indicating the vehicle was returned under this chapter and that the nonconformity has been corrected. Upon the resale, either at wholesale or retail, or transfer of title of a motor vehicle for which a new title has been issued under this subsection, the manufacturer shall warrant upon the resale that the nonconformity has been corrected, and 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 and indicating that it has been corrected in a manner to be specified by the attorney general.

**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 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 and shall have available the services of persons with automotive technical expertise to assist in resolving disputes under this chapter. 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.

(b) A dealer, or a manufacturer or other party shall produce records and documents requested by a party which the board finds are reasonably related to the dispute. If a dealer, or a manufacturer or other party refuses to comply with the board's determination, a party may request the attorney general to issue a subpoena on behalf of the board. A party may also request the attorney general to issue a subpoena on behalf of the board for the records and documents of other persons.

(c) A party may obtain written affidavits from employees and agents of a dealer, a manufacturer or other party, or from other potential witnesses, and may submit such affidavits for consideration by the board.

(d) 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 or informal dispute resolution settlement procedure under section 14 of this act 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 if: (i) The same serious safety defect has been subject to repair two or more times, at least one of which is during the period of coverage of the applicable manufacturer's written warranty; (ii) the same nonconformity has been subject to diagnosis or repair four or more times, at least one of which is during the period of coverage of the applicable manufacturer's written warranty, and the nonconformity continues to exist; or (iii) the vehicle is out-of-service by reason of diagnosis or repair of one or more nonconformities for a cumulative total of thirty calendar days, at least fifteen of them during the period of the applicable manufacturer's written warranty. For purposes of this subsection, the manufacturer's written warranty shall be at least one year after the date of the original delivery to the consumer of the vehicle or the first twelve thousand miles of operation, whichever occurs first.

(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 may 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 request a trial de novo of the arbitration decision, including a rejection, in superior court.

(2) If the manufacturer appeals, the court may require the manufacturer to post security for the consumer's financial loss due to the passage of time for review.

(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, if the board awarded the consumer replacement or repurchase of the vehicle and the manufacturer did not comply, 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 in which 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.

**NEW SECTION.** Sec. 14. (1) If a manufacturer has established an informal dispute resolution settlement procedure which substantially complies with the applicable provision of Title 15, Code of Federal Regulations Part 703, as from time to time amended, a consumer may choose to first submit a dispute under this chapter to the informal dispute resolution settlement procedure.

(2) 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.

**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. A new section is added to chapter 82.32 RCW to read as follows:

If a manufacturer makes a refund of sales tax to a consumer upon return of a new motor vehicle under chapter 19.118 RCW, the department shall credit or refund to the manufacturer the amount of the tax refunded, upon receipt of documentation as required by the department.

**NEW SECTION.** Sec. 17. Sections 2 through 12, 14, and 15 of this act are each added to chapter 19.118 RCW.

**NEW SECTION.** Sec. 18. By January 1, 1990, the appropriate standing committees of the house of representatives and the senate shall review sections 2 through 12 and 14 through 16 of this act. The committees shall receive input from consumers, manufacturers, dealers, private entities who have established boards, board members, the attorney general, and other interested persons and shall consider, among other issues, the effectiveness of the remedies available to consumers and the role of the attorney general.

NEW SECTION. Sec. 19. Sections 2 through 12 and 14 through 16 of this act shall expire on June 30, 1992, unless extended for an additional fixed period of time. By January 1, 1992, the legislative budget committee shall conduct a review of such provisions under the standards in chapter 43.131 RCW and report to the legislature.

NEW SECTION. Sec. 20. (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. 21. The following acts or parts of acts are each repealed effective January 1, 1988:

(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;

(3) Section 4, chapter 240, Laws of 1983, section 2, chapter 148, Laws of 1984 and RCW 19.118.040; and

(4) Section 6, chapter 240, Laws of 1983 and RCW 19.118.060.

NEW SECTION. Sec. 22. (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, 10 through 12, and 14 through 16 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. 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."

On page 1, line 1 of the title, after "warranties;" strike the remainder of the title and insert "amending RCW 19.118.050; adding new sections to chapter 19.118 RCW; adding a new section to chapter 82.32 RCW; creating new sections; repealing RCW 19.118.020, 19.118.030, 19.118.040, and 19.118.060; prescribing penalties; making an appropriation; providing effective dates; providing an expiration date; and declaring an emergency."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

On motion of Senator Rinehart, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 5502.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 5502, as amended by the House.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 5502, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; nays, 2.

Voting yea: Senators Anderson, Bailey, Barr, Brauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vogndl, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Voting nay: Senators Benitz, Johnson - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5502, 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 President advanced the Senate to the eighth order of business.

#### MOTION

Senator Kreidler moved that the following resolution be adopted:

## SENATE RESOLUTION 1987-8646

by Senators Kreidler, Halsan and Rasmussen

WHEREAS, The postmark for the city of Olympia has great historical significance since Olympia is the capital of the state of Washington; and

WHEREAS, The United States postal service is once again considering the possibility of terminating the use of the Olympia postmark; and

WHEREAS, The loss of the Olympia postmark would render Olympia the sole state capital in the United States without its own distinguishing postmark; and

WHEREAS, The preservation of the Olympia postmark in anticipation of our state's Centennial Celebration in 1989 is a fitting acknowledgment of the significance of Olympia, the capital of the state of Washington, to this state and nation; and

WHEREAS, Retaining the Olympia postmark would help achieve the praiseworthy goals of maintaining the identity of the capital of our state, strengthening citizen ties with their local communities, increasing citizen pride in the past and preserving a sense of historical continuity for our children;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington request the administration to support the interests of the present and future citizens of the state of Washington and preserve the use of the Olympia postmark.

BE IT FURTHER RESOLVED, That the President of the Senate immediately transmit copies of this resolution to the Honorable Ronald Reagan, President of the United States, the Postmaster General, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the state of Washington.

## POINT OF INQUIRY

Senator Zimmerman: "Senator Kreidler, what would be the post mark for Olympia--Pullman, Seattle, Tacoma? What would be used in place of it?"

Senator Kreidler: "It would be Tacoma. Tacoma has become a large regional center for mail processing. Certainly, it becomes a point with many communities that have lost the ability to have mail postmarked right in their own home community. I think the argument we are making here is certainly one to look at the big picture from the standpoint of what the meaning is for a state capitol and having a postmark from a state capitol, being somewhat different than many other communities and the arguments that they previously had."

The President declared the question before the Senate to be adoption of Senate Resolution 1987-8646.

The motion by Senator Kreidler carried and the resolution was adopted.

Senators Kreidler, Rasmussen and Cantu spoke to the resolution.

## MOTION

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

## SENATE RESOLUTION 1987-8660

by Senators Stratton, West, Vogniild, McCaslin, Owen, Barr, Patterson, Saling, Hansen, Newhouse, Benitz, Sellar, Rasmussen and Metcalf

WHEREAS, Since 1895, one hundred and thirty-two federal, state, county, and municipal officers of the peace have offered the ultimate sacrifice by laying down their lives in the course of their duty to protect the citizens of our state; and

WHEREAS, The Law Enforcement Officers Memorial in Spokane will be dedicated on May 16 to honor these brave men and women; and

WHEREAS, A moment of silence dedicated to the memory of these officers will be observed at 11:00 A.M. on the day of dedication; and

WHEREAS, Hundreds of law enforcement officers from around the state will be unable to attend the dedication but will participate by joining in the moment of silence;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington, That the Senate joins with the Law Enforcement Officers Memorial Project and officers across the state in honoring these courageous men and women; and



BE IT FURTHER RESOLVED, That the Senate encourages the citizens of our state to join in the moment of silence and remember those who have offered their lives for the good of society.

## SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 5008,  
 SECOND SUBSTITUTE SENATE BILL NO. 5063,  
 SECOND SUBSTITUTE SENATE BILL NO. 5074,  
 SUBSTITUTE SENATE BILL NO. 5088,  
 SUBSTITUTE SENATE BILL NO. 5107,  
 SUBSTITUTE SENATE BILL NO. 5124,  
 SENATE BILL NO. 5129,  
 SUBSTITUTE SENATE BILL NO. 5142,  
 ENGROSSED SENATE BILL NO. 5178,  
 SECOND SUBSTITUTE SENATE BILL NO. 5252,  
 SUBSTITUTE SENATE BILL NO. 5253,  
 SUBSTITUTE SENATE BILL NO. 5405,  
 SUBSTITUTE SENATE BILL NO. 5456,  
 SUBSTITUTE SENATE BILL NO. 5464,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5604,  
 SECOND SUBSTITUTE SENATE BILL NO. 5659,  
 SENATE BILL NO. 5747,  
 SUBSTITUTE SENATE BILL NO. 5857,  
 SECOND SUBSTITUTE SENATE BILL NO. 5986,  
 SENATE CONCURRENT RESOLUTION NO. 8404.

## MOTION

At 11:15 a.m., on motion of Senator Vognild, the Senate recessed until 1:30 p.m.

## AFTERNOON SESSION

The Senate was called to order at 1:30 p.m. by President Cherberg.

There being no objection, the President returned the Senate to the sixth order of business.

SECOND READING  
 CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

## MOTION

On motion of Senator Kreidler, Gubernatorial Appointment No. 9100, John L. Shreve, as a member of the Parks and Recreation Commission, was confirmed.

## APPOINTMENT OF JOHN L. SHREVE

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 44; absent, 5.

Voting yeas: Senators Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 44.

Absent: Senators Benitz, Hansen, Hayner, Johnson, McDermott - 5.

## MOTION

On motion of Senator Bender, Senators Hansen and McDermott were excused.

## MOTION

On motion of Senator Kreidler, Gubernatorial Appointment No. 9101, Melvin D. Wortman, as a member of the Parks and Recreation Commission, was confirmed.

## APPOINTMENT OF MELVIN D. WORTMAN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hayner, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 46.

Absent: Senator Johnson - 1.

Excused: Senators Hansen, McDermott - 2.

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

#### MESSAGE FROM THE HOUSE

April 17, 1987

Mr. President:

The House has passed SENATE BILL NO. 5483 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."

On page 1, beginning on line 1 of the title, after "benefits;" strike the remainder of the title and insert "and adding a new section to chapter 28B.10 RCW."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

On motion of Senator Rinehart, the Senate concurred in the House amendments to Senate Bill No. 5483.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5483, as amended by the House.

#### ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5483, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; absent, 2; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Zimmerman - 45.

Absent: Senators Owen, Wojahn - 2.

Excused: Senators Hansen, McDermott - 2.

SENATE BILL NO. 5483, 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.

#### MOTION

On motion of Senator Bender, Senator Wojahn was excused.

## MESSAGE FROM THE HOUSE

April 16, 1987

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 5510 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 ~~((salesman))~~ 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."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

On motion of Senator Smitherman, the Senate concurred in the House amendments to Substitute Senate Bill No. 5510.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5510, as amended by the House.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5510, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; nays, 2; absent, 1; excused, 2.



Voting yea: Senators Anderson, Bailey, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Haisan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Paterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognick, von Reichbauer, Warnke, West, Williams, Zimmerman - 44.

Voting nay: Senators Barr, Pullen - 2.

Absent: Senator Bauer - 1.

Excused: Senators McDermott, Wojahn - 2.

SUBSTITUTE SENATE BILL NO. 5510, 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 HOUSE

April 17, 1987

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 5512 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.

Sec. 2. Section 2, chapter ... (ESSB 5150), Laws of 1987 and RCW 41.---,--- are each amended to read as follows:

(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) 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.

(4) Any service accrued in one system by the member shall not accrue in any other system.

NEW SECTION. Sec. 3. Section 1 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. Section 2 of this act shall take effect July 1, 1988.\*

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; amending section 2, chapter ... (ESSB 5150), Laws of 1987 and RCW 41.-----; providing effective dates; and declaring an emergency.\*"

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

On motion of Senator Bender, the Senate concurred in the House amendments to Substitute Senate Bill No. 5512.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5512, as amended by the House.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5512, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Zimmerman - 47.

Excused: Senators McDermott, Wojahn - 2.

SUBSTITUTE SENATE BILL NO. 5512, 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 HOUSE

April 17, 1987

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 5511 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)(ii) 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  
vs.

No. ....

**MANDATORY  
BENEFITS ASSIGNMENT  
ORDER**

Obligor

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."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Bender, the Senate concurred in the House amendments to Substitute Senate Bill No. 5511.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5511, as amended by the House.

## ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5511, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Zimmerman - 46.

Absent: Senator Smitherman - 1.

Excused: Senators McDermott, Wojahn - 2.

SUBSTITUTE SENATE BILL NO. 5511, 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 HOUSE

April 14, 1987

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 5514 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",

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Halsan, the Senate concurred in the House amendments to Substitute Senate Bill No. 5514.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5514, as amended by the House.

## ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5514, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Zimmerman - 46.

Absent: Senator Garrett - 1.

Excused: Senators McDermott, Wojahn - 2.

SUBSTITUTE SENATE BILL NO. 5514, 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.

## MOTION

On motion of Senator Bender, Senators Garrett and Tanner were excused.

## MESSAGE FROM THE HOUSE

April 13, 1987

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 5529 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.

((f)) (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.

((g)) (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;

(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."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

On motion of Senator Halsan, the Senate concurred in the House amendments to Engrossed Senate Bill No. 5529.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 5529, as amended by the House.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 5529, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; nays, 2; absent, 1; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Paterson, Peterson, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 43.

Voting nay: Senators Pullen, Rasmussen - 2.

Absent: Senator Hayner - 1.

Excused: Senators Garrett, McDermott, Tanner - 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.

#### INTRODUCTION OF SPECIAL GUEST

The President turned the gavel over to Senator Irv Newhouse who introduced former Senator Damon Canfield who was seated on the rostrum.

With permission of the Senate, business was suspended to permit Senator Canfield to address the Senate.

Senator Newhouse returned the gavel to the President and the honored guest remained on the rostrum to observe the proceedings of the Senate.

## MESSAGE FROM THE HOUSE

April 16, 1987

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 5530 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))~~ (2) Coordinate the delivery of state programs to assist ~~((small))~~ businesses.

~~((3))~~ (3) Provide comprehensive referral services to businesses requiring government assistance.

~~((4))~~ (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))~~ (5) Aggressively promote business awareness of the state's business programs and distribute information on the services available to businesses.

~~((6))~~ (6) Develop, in concert with local economic development and business assistance organizations, coordinated processes that complement both state and local activities and services.

~~((7))~~ (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."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

On motion of Senator Smitherman, the Senate concurred in the House amendments to Substitute Senate Bill No. 5530.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5530, as amended by the House.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5530, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 46.

Excused: Senators Garrett, McDermott, Tanner - 3.

SUBSTITUTE SENATE BILL NO. 5530, 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 HOUSE

April 17, 1987

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 5115 with the following amendments:

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 willfully 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."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

Senator Bender moved that the Senate do concur in the House amendments to Substitute Senate Bill No. 5115, with the exception of subsection (3) to Section 3, and asks the House to recede therefrom.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Bender that the Senate do concur in the House amendments to Substitute Senate Bill No. 5115, with the exception of subsection (3) to Section 3.

The motion by Senator Bender carried and the Senate concurred in the House amendments to Substitute Senate Bill No. 5115, with the exception of subsection (3), Section 3, and asks the House to recede therefrom.

#### MOTION

On motion of Senator Vognild, further consideration of Substitute Senate Bill No. 5115 was deferred.

EDITOR'S NOTE: Incorrect citation; see further consideration of Substitute Senate Bill No. 5115 later on in the day.

#### MOTION

At 2:21 p.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 4:48 p.m. by President Cherberg.

#### MESSAGE FROM THE HOUSE

April 15, 1987

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5533 with the following amendment:

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."

and the bill and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

On motion of Senator Owen, the Senate concurred in the House amendment to Engrossed Substitute Senate Bill No. 5533.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 5533, as amended by the House.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 5533, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vogt, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5533, 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 HOUSE

April 21, 1987

Mr. President:

The House has adopted the Report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 5061 and has granted said committee the powers Free Conference, and the Report of the Conference Committee is herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

#### REPORT OF CONFERENCE COMMITTEE

RE: ESSB 5061

Establishing failure to comply with traffic laws as a gross misdemeanor.

April 20, 1987

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom the above measure was referred, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the measure as follows:

The House amendment by Representative Schmidt, et. al. to page 3, line 8 be adopted; the House amendment by Representative Schmidt, et. al. to page 3, line 9 not be adopted;

and the bill be further amended as follows:

On page 3, line 6, after "offense" strike "shall" and insert "may"

Signed by: Senators Talmadge, Nelson, Moore; Representatives Walk, Spanel, Padden.

#### MOTION

On motion of Senator Talmadge, the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 5061 was adopted and the committee was granted the powers of Free Conference.

#### REPORT OF CONFERENCE COMMITTEE

RE: ESHB 353

Modifying provisions relating to the department of agriculture.

April 20, 1987

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom the above measure was referred, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the measure as follows:

The Senate Agriculture Committee amendments be adopted with the following changes:

On page 30 of the Senate Agriculture Committee amendment, line 34, after "lien." strike "If, however, the depositor is not paid per the terms of the contract, they must notify the department within ten days of default."

Signed by: Senators Hansen, Barr, Bauer; Representatives Rayburn, Grant, Nealey.

#### MOTION

On motion of Senator Hansen, the Report of the Conference Committee on Engrossed Substitute House Bill No. 353 was adopted and the committee was granted the powers of Free Conference.

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

There being no objection, the Senate resumed consideration of Engrossed Substitute House Bill No. 527 and the pending Committee on Ways and Means striking amendment, which had been amended and deferred April 17, 1987.

Debate ensued.

The President declared the question before the Senate to be adoption of the Committee on Ways and Means amendment, as amended.

Senator McDermott demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the Committee on Ways and Means amendment, as amended.

#### ROLL CALL

The Secretary called the roll and the Committee on Ways and Means amendment, as amended, was not adopted by the following vote: Yeas, 15; nays, 34.

Voting yea: Senators Bender, Bottiger, Conner, Fleming, Gaspard, McDermott, Moore, Peterson, Rinehart, Smitherman, Talmadge, Vognild, Warnke, Williams, Wojahn - 15.

Voting nay: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Craswell, Deccio, DeJarnatt, Garrett, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Stratton, Tanner, von Reichbauer, West, Zimmerman - 34.

#### MOTION

Senator McDermott moved that the rules be suspended and Engrossed Substitute House Bill No. 527 be advanced to third reading, the second reading considered the third and the bill be placed on final passage.

#### MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator McDonald moved to reconsider the vote by which the Committee on Ways and Means amendment, as amended, was not adopted.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator McDonald to reconsider the vote by which the Committee on Ways and Means amendment, as amended, was not adopted.

Senator Saling demanded a roll call and the demand was sustained.

Further debate ensued.

#### SENATOR BOTTIGER YIELDS TO SENATOR NEWHOUSE

Senator Bottiger: "Mr. President, I defer to Senator Newhouse before you start the roll call."

#### REMARKS BY SENATOR NEWHOUSE

Senator Newhouse: "Mr. President and ladies and gentlemen, this obviously is a parliamentary maneuver. If at sometime in the near future, we put up an amendment, we'd like to have it to the McDermott amendment. We'd still like to have that before us, rather than just the House Bill and that's the position we'd like to be in."

## REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, in a spirit of cooperation, I would suggest that we all vote 'yes' and that may make it unnecessary to reprint some things just to save a little money."

## MOTION

On motion of Senator Saling, and there being no objection, the demand for a roll call was withdrawn.

The President declared the question before the Senate to be the motion by Senator McDonald to reconsider the vote by which the Committee on Ways and Means amendment, as amended, to Engrossed Substitute House Bill No. 527 was not adopted.

The motion by Senator McDonald carried and the Senate will reconsider the Committee on Ways and Means amendment, as amended.

## MOTION

On motion of Senator McDermott, further consideration of the Committee on Ways and Means amendment, as amended, on reconsideration, to Engrossed Substitute House Bill No. 527 was deferred.

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

## MESSAGE FROM THE HOUSE

April 20, 1987

Mr. President:

The House ruled the Senate amendments to HOUSE BILL NO. 64 beyond the scope and object of the bill. The House refuses to concur in the Senate amendments and asks the Senate to recede therefrom, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Moore, the Senate insists on its position regarding the Senate amendments to House Bill No. 64 and requests a conference thereon.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on House Bill No. 64 and the Senate amendments thereto: Senators Bender, Pullen and Moore.

## MOTION

On motion of Senator Vognild, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

April 20, 1987

Mr. President:

The House ruled the Senate amendments to SUBSTITUTE HOUSE BILL NO. 170 beyond the scope and object of the bill. The House refuses to concur in the Senate amendments and asks the Senate to recede therefrom, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Owen, the Senate insists on its position regarding the Senate amendments to Substitute House Bill No. 170 and requests a conference thereon.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute House Bill No. 170 and the Senate amendments thereto: Senators Owen, Pullen and Stratton.

## MOTION

On motion of Senator Vognild, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

April 20, 1987

Mr. President:

The House refuses to concur in the Senate amendment to HOUSE BILL NO. 277 and asks the Senate to recede therefrom, and the bill and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Bender, the Senate insists on its position regarding the Senate amendment to House Bill No. 277 and once again asks the House to concur therein.

## MESSAGE FROM THE HOUSE

April 17, 1987

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 5606 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 objects of expenditure, including but not limited to 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 estimated 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 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 any appointive officer or employee violating the provisions of this section shall be subject to summary removal.

(2) This section does not apply to:

(a) Temporary cash deficiencies resulting from disbursements under an expenditure plan approved under RCW 43.88.110.

(b) Temporary cash deficiencies authorized by the director of financial management for funds and accounts in the state treasury or in the custody of the state treasurer. Each authorization under this subsection (b) shall distinctly specify the fund or account for which a deficiency is authorized, 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.

(c) Temporary cash deficiencies in funds or accounts which are neither in the state treasury, nor in the custody of the treasurer, if the cash deficiency does not continue past the end of the fiscal biennium.

(3) Nothing in this section permits the expenditure of moneys in excess of an applicable appropriation.

Sec. 8. 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 cash balance in the basic account of the state general fund, other than amounts ~~((reappropriated))~~ restricted for liabilities to be paid in 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. 9. 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. 10. 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. 11. Section 43.88.040, chapter 8, Laws of 1965 and RCW 43.88.040 are each repealed.

NEW SECTION, Sec. 12. Section 7 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. The remainder of this act shall take effect August 1, 1987."

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, 43.88.260, 82.32.400, 82.32.090, and 82.01.120; reenacting and amending RCW 43.88.030; repealing RCW 43.88.040; providing effective dates; and declaring an emergency."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

Senator McDermott moved that the Senate do concur in the House amendments to Substitute Senate Bill No. 5606.

#### POINT OF INQUIRY

Senator Rasmussen: "Senator McDermott, I note in the amendment the Director of Financial Management may authorize a temporary cash deficiency in a public fund—'these authorizations shall distinctly specify the fund or account for which a deficiency is authorized, the maximum amount of cash deficiency which may be incurred and the maximum time period.' This does not allow the Director to have the Department overspend their quarterly appropriation, or does it?"

Senator McDermott: "That's correct. It does not."

Senator Rasmussen: "It does not and it does not allow any department to spend more than the appropriation?"

Senator McDermott: "That's correct."

The President declared the question before the Senate to be the motion by Senator McDermott that the Senate do concur in the House amendments to Substitute Senate Bill No. 5606.

The motion by Senator McDermott carried and the Senate concurred in the House amendments to Substitute Senate Bill No. 5606.

#### MOTION

On motion of Senator Bender, Senators Garrett and Gaspard were excused.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5606, as amended by the House.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5606, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yeas: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman

- 47.

Excused: Senators Garrett, Gaspard - 2.

SUBSTITUTE SENATE BILL NO. 5606, 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 HOUSE

April 16, 1987

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5608 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 16.52.100) 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. Nothing in this act shall be construed as expanding or diminishing, in any manner whatsoever, any authority granted officers under RCW 16.52.020 or 16.52.030.

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 "16.52.085" strike "and 16.52.010" and insert ", 16.52.010, and 46.61.660"

On page 1, line 2 of the title, after "RCW;" insert "creating a new section;";

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

Senator Hansen moved that the Senate do concur in the House amendments to Engrossed Substitute Senate Bill No. 5608.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Hansen that the Senate do concur in the House amendments to Engrossed Substitute Senate Bill No. 5608.

The motion by Senator Hansen carried and the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 5608.

#### MOTIONS

On motion of Senator Bender, Senators Bottiger, Fleming, McDermott and Vognild were excused.

On motion of Senator Zimmerman, Senators Newhouse and Sellar were excused.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 5608, as amended by the House.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 5608, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; excused, 6.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, Metcalf, Moore, Nelson, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Smitherman, Stratton, Talmadge, Tanner, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 43.

Excused: Senators Bottiger, Fleming, McDermott, Newhouse, Sellar, Vognild - 6.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5608, 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 HOUSE

April 16, 1987

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5650 with the following amendments:

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."

On page 4, line 20 after "qualifications." add "The board shall conduct the examination on a regular date, as prescribed by rule, at least once every two year.".

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Tanner, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 5650.

## MOTION

On motion of Senator Zimmerman, Senators Hayner and McDonald were excused.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 5650, as amended by the House.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 5650, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 40; absent, 1; excused, 8.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, Metcalf, Moore, Nelson, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Smitherman, Stratton, Talmadge, Tanner, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 40.

Absent: Senator Owen - 1.

Excused: Senators Bottiger, Fleming, Hayner, McDermott, McDonald, Newhouse, Sellar, Vogtild - 8.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5650, 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 HOUSE

April 16, 1987

Mr. President:

The House has passed SENATE BILL NO. 5693 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 a reasonable time up to 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 a reasonable time up to 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."

and the bill and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTION

Senator Halsan moved that the Senate do concur in the House amendment to Senate Bill No. 5693.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Halsan that the Senate do concur in the House amendment to Senate Bill No. 5693.

The motion by Senator Halsan carried and the Senate concurred in the House amendment to Senate Bill No. 5693.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5693, as amended by the House.

## ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5693, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 30; nays, 10; absent, 1; excused, 8.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Conner, Deccio, DeJarnatt, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, Moore, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Smitherman, Talmadge, Tanner, von Reichbauer, Warnke, Williams, Wojahn - 30.

Voting nay: Senators Benitz, Bluechel, Cantu, Craswell, McCaslin, Metcalf, Nelson, Stratton, West, Zimmerman - 10.

Absent: Senator Owen - 1.

Excused: Senators Bottiger, Fleming, Hayner, McDermott, McDonald, Newhouse, Sellar, Vognild - 8.

SENATE BILL NO. 5693, 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 HOUSE

April 17, 1987

Mr. President:

The House has passed SENATE BILL NO. 5732 with the following amendment:

On page 2, line 19 after "chapter \_\_\_\_\_" strike "(SB \_\_\_\_\_, S-204/87)" and insert "(HB 396)".

and the bill and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Tanner, the Senate concurred in the House amendment to Senate Bill No. 5732.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5732, as amended by the House.

## ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5732, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 40; absent, 1; excused, 8.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, Metcalf, Moore, Nelson, Patterson, Pullen, Rasmussen, Rinehart, Saling, Smitherman, Stratton, Talmadge, Tanner, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 40.

Absent: Senator Owen - 1.

Excused: Senators Bottiger, Fleming, Hayner, McDermott, McDonald, Newhouse, Sellar, Vognild - 8.

SENATE BILL NO. 5732, 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 HOUSE

April 14, 1987

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 5764 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."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Halsan, the Senate concurred in the House amendments to Engrossed Senate Bill No. 5764.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 5764, as amended by the House.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 5764, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 38; absent, 3; excused, 8.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Halsan, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, Metcalf, Moore, Nelson, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Smitherman, Stratton, Talmadge, Tanner, von Reichbauer, Warnke, West, Wojahn, Zimmerman - 38.

Absent: Senators Hansen, Owen, Williams - 3.

Excused: Senators Bottiger, Fleming, Hayner, McDermott, McDonald, Newhouse, Sellar, Vognild - 8.

ENGROSSED SENATE BILL NO. 5764, 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 HOUSE

April 16, 1987

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 5880 with the following amendment:

On page 1, line 14 after "subsection" strike "(7)" and insert "(9)".

and the bill and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Smitherman, the Senate concurred in the House amendment to Substitute Senate Bill No. 5880.

## MOTION

On motion of Senator Bender, Senators Bauer, Rinehart and Tanner were excused.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5880, as amended by the House.

## ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5880, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 38; excused, 11.

Voting yea: Senators Anderson, Bailey, Barr, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, Metcalf, Moore, Nelson, Owen, Patterson, Peterson, Pullen, Rasmussen, Saling, Smitherman, Stratton, Talmadge, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 38.

Excused: Senators Bauer, Bottiger, Fleming, Hayner, McDermott, McDonald, Newhouse, Rinehart, Sellar, Tanner, Vognild - 11.

SUBSTITUTE SENATE BILL NO. 5880, 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 HOUSE

April 14, 1987

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 5863 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 59.20 RCW or any other statutory provision".

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk



## MOTION

On motion of Senator Smitherman, the Senate concurred in the House amendments to Engrossed Senate Bill No. 5863.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 5863, as amended by the House.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 5863, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 38; excused, 11.

Voting yea: Senators Anderson, Bailey, Barr, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, Metcalf, Moore, Nelson, Owen, Patterson, Peterson, Pullen, Rasmussen, Saling, Smitherman, Stratton, Talmadge, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 38.

Excused: Senators Bauer, Bottiger, Fleming, Hayner, McDermott, McDonald, Newhouse, Rinehart, Sellar, Tanner, Vogndild - 11.

ENGROSSED SENATE BILL NO. 5863, 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 HOUSE

April 13, 1987

Mr. President:

The House has passed SENATE BILL NO. 5948 with the following amendments:

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.

((@)) (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.

NEW SECTION. Sec. 2. This act shall take effect January 1, 1988.\*

On page 1, line 2 of the title, after "63.14.130" insert "; and providing an effective date".

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

On motion of Senator Moore, the Senate concurred in the House amendments to Senate Bill No. 5948.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5948, as amended by the House.

#### ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5948, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 38; excused, 11.

Voting yea: Senators Anderson, Bailey, Barr, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, Metcalf, Moore, Nelson, Owen, Patterson, Peterson, Pullen, Rasmussen, Saling, Smitherman, Stratton, Talmadge, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 38.

Excused: Senators Bauer, Bottiger, Fleming, Hayner, McDermott, McDonald, Newhouse, Rinehart, Sellar, Tanner, Voguild - 11.

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.

#### MESSAGE FROM THE HOUSE

April 9, 1987

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 5972 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 recredentialing 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."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

On motion of Senator Talmadge, the Senate concurred in the House amendments to Engrossed Senate Bill No. 5972.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 5972, as amended by the House.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 5972, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 36; absent, 2; excused, 11.

Voting yea: Senators Anderson, Bailey, Barr, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, Melcalf, Nelson, Patterson, Peterson, Pullen, Rasmussen, Saling, Smitherman, Stratton, Talmadge, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 36.

Absent: Senators Moore, Owen - 2.

Excused: Senators Bauer, Bottiger, Fleming, Hayner, McDermott, McDonald, Newhouse, Rinehart, Sellar, Tanner, Vognild - 11.

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.

## MESSAGE FROM THE HOUSE

April 16, 1987

Mr. President:

The House has passed SENATE BILL NO. 5976 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.

and the bill and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Hansen, the Senate concurred in the House amendment to Senate Bill No. 5976.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5976, as amended by the House.

## ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5976, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 38; excused, 11.

Voting yea: Senators Anderson, Bailey, Barr, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, Metcalf, Moore, Nelson, Owen, Patterson, Peterson, Pullen, Rasmussen, Saling, Smitherman, Stratton, Talmadge, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 38.

Excused: Senators Bauer, Bottiger, Fleming, Hayner, McDermott, McDonald, Newhouse, Rinehart, Sellar, Tanner, Vogtild - 11.

SENATE BILL NO. 5976, 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 HOUSE

April 17, 1987

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 6003 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".

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Hansen, the Senate concurred in the House amendments to Engrossed Senate Bill No. 6003.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 6003, as amended by the House.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 6003, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 38; excused, 11.

Voting yea: Senators Anderson, Bailey, Barr, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, Metcalf, Moore, Nelson, Owen, Patterson, Peterson, Pullen, Rasmussen, Saling, Smitherman, Stratton, Talmadge, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 38.

Excused: Senators Bauer, Bottiger, Fleming, Hayner, McDermott, McDonald, Newhouse, Rinehart, Sellar, Tanner, Vognild - 11.

ENGROSSED SENATE BILL NO. 6003, 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 HOUSE

April 13, 1987

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 6010 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."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Hansen, the Senate concurred in the House amendments to Substitute Senate Bill No. 6010.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 6010, as amended by the House.

## ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 6010, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 38; excused, 11.

Voting yea: Senators Anderson, Bailey, Barr, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, Metcalf, Moore, Nelson, Owen, Patterson, Peterson, Pullen, Rasmussen, Saling,

Smitherman, Stratton, Talmadge, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 38.

Excused: Senators Bauer, Bottiger, Fleming, Hayner, McDermott, McDonald, Newhouse, Rinehart, Sellar, Tanner, Vognlid - 11.

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.

#### MESSAGE FROM THE HOUSE

April 14, 1987

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6013 with the following amendments:

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".

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

On motion of Senator Kreidler, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 6013.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 6013, as amended by the House.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 6013, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 33; nays, 5; excused, 11.

Voting yea: Senators Anderson, Bailey, Bender, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, Metcalf, Moore, Owen, Patterson, Peterson, Rasmussen, Saling, Smitherman, Stratton, Talmadge, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 33.

Voting nay: Senators Barr, Benitz, McCaslin, Nelson, Pullen - 5.

Excused: Senators Bauer, Bottiger, Fleming, Hayner, McDermott, McDonald, Newhouse, Rinehart, Sellar, Tanner, Vognlid - 11.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6013, 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 HOUSE

April 9, 1987

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 6023 with the following amendments:

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".

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Hansen, the Senate concurred in the House amendments to Substitute Senate Bill No. 6023.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 6023, as amended by the House.

## ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 6023, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 37; nays, 1; excused, 11.

Voting yea: Senators Anderson, Bailey, Barr, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, Metcalf, Moore, Nelson, Owen, Patterson, Peterson, Rasmussen, Saling, Smitherman, Stratton, Talmadge, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 37.

Voting nay: Senator Pullen - 1.

Excused: Senators Bauer, Bottiger, Fleming, Hayner, McDermott, McDonald, Newhouse, Rinehart, Sellar, Tanner, Vognild - 11.

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.

## MESSAGE FROM THE HOUSE

April 14, 1987

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 6048 with the following amendments:

On page 35, after line 20, insert the following section:

Sec. 1901. Section 14, chapter 27, Laws of 1981 and RCW 4.22.060 are each amended to read as follows:

(1) A party prior to entering into a release, covenant not to sue, covenant not to enforce judgment, or similar agreement with a claimant shall give five days' written notice of such intent to all other parties and the court. The court may for good cause authorize a shorter notice period. The notice shall contain a copy of the proposed agreement. A hearing shall be held on the issue of the reasonableness of the amount to be paid with all parties afforded an opportunity to present evidence. A determination by the court that the amount to be paid is reasonable must be secured. If an agreement was entered into prior to the filing of the action, a hearing on the issue of the reasonableness of the amount paid at the time it was entered into may be held at any time prior to final judgment upon motion of a party.

The burden of proof regarding the reasonableness of the settlement offer shall be on the party requesting the settlement.

(2) A release, covenant not to sue, covenant not to enforce judgment, or similar agreement entered into by a claimant and a person liable discharges that person from all liability for contribution, but it does not discharge any other persons liable upon the same claim unless it so provides. However, the claim of the releasing person against other persons is reduced by the amount paid pursuant to the agreement unless the amount paid was unreasonable at the time of the agreement in which case the claim shall be reduced by an amount determined by the court to be reasonable.



(3) A determination that the amount paid for a release, covenant not to sue, covenant not to enforce judgment, or similar agreement was unreasonable shall not affect the validity of the agreement between the released and releasing persons nor shall any adjustment be made in the amount paid between the parties to the agreement.

Remember the remaining sections consecutively.

On page 1, line 14 of the title, after "4.24.005," strike "and 51.24.030" and insert "51.24.030, and 4.22.060",

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

On motion of Senator Talmadge, the Senate concurred in the House amendments to Substitute Senate Bill No. 6048.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 6048, as amended by the House.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 6048, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 37; nays, 1; excused, 11.

Voting yeas: Senators Anderson, Bailey, Barr, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Haisan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, Metcalf, Moore, Nelson, Owen, Patterson, Peterson, Rasmussen, Saling, Smitherman, Stratton, Talmadge, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 37.

Voting nay: Senator Pullen - 1.

Excused: Senators Bauer, Bottiger, Fleming, Hayner, McDermott, McDonald, Newhouse, Rinehart, Sellar, Tanner, Vognild - 11.

SUBSTITUTE SENATE BILL NO. 6048, 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 HOUSE

April 17, 1987

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 5882 with the following amendment:

On page 1, after line 26, insert the following:

"(3)(a) Proof of financial responsibility authorized in this section may be given by providing, in the amount required by subsection (1) of this section, an assigned account acceptable to the department. The assigned account shall be held by the department to satisfy any execution on a judgment issued against the contractor for damage to property or injury or death to any person occurring in the contractor's contracting operations, according to the provisions of the assigned account agreement. The department shall have no liability for payment in excess of the amount of the assigned account.

(b) The assigned account filed with the director as proof of financial responsibility shall be canceled at the expiration of three years after:

(i) The contractor's registration has expired or been revoked; or

(ii) The contractor has furnished proof of insurance as required by subsection (1) of this section;

if, in either case, no legal action has been instituted against the contractor or on the account at the expiration of the three-year period.

(c) If a contractor chooses to file an assigned account as authorized in this section, the contractor shall, on any contracting project, notify each person with whom the contractor enters into a contract or to whom the contractor submits a bid that the contractor has filed an assigned account in lieu of insurance and that recovery from the account for any claim against the contractor for property damage or personal injury or death occurring in the project requires the claimant to obtain a court judgment."

and the bill and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

On motion of Senator Moore, the Senate concurred in the House amendment to Engrossed Senate Bill No. 5882.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 5882, as amended by the House.

### ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 5882, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 38; excused, 11.

Voting yea: Senators Anderson, Bailey, Barr, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, Metcalf, Moore, Nelson, Owen, Patterson, Peterson, Pullen, Rasmussen, Saling, Smitherman, Stratton, Talmadge, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 38.

Excused: Senators Bauer, Bottiger, Fleming, Hayner, McDermott, McDonald, Newhouse, Rinehart, Sellar, Tanner, Vogtild - 11.

ENGROSSED SENATE BILL NO. 5882, 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.

### REPORT OF CONFERENCE COMMITTEE

RE: SHB 902

Exempting city and town fire and police chiefs from civil service provisions.

April 21, 1987

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom the above measure was referred, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the measure as follows:

The Senate Governmental Operations Committee striking amendment be adopted; the amendment be further amended as follows and that the bill do pass as amended:

On page 2 of the Senate Committee on Governmental Operations amendment, beginning on line 27, strike everything down to and including "35A.21 RCW." on page 7, line 17 and insert the following:

NEW SECTION, Sec. 3. The intent of this act is to require certain qualifications for candidates for the office of chief of police or marshal, which position in whole or in part oversees law enforcement personnel or activities for a city or town.

The legislature finds that over the past century the field of law enforcement has become increasingly complex and many new techniques and resources have evolved both socially and technically. In addition the ever-changing requirements of law, both constitutional and statutory provisions protecting the individual and imposing responsibilities and legal liabilities of law enforcement officers and the government of which they represent, require an increased level of training and experience in the field of law enforcement.

The legislature, therefore finds that minimum requirements are reasonable and necessary to seek and hold the offices or office of chief of police or marshal, and that such requirements are in the public interest.

NEW SECTION, Sec. 4. (1) A person seeking appointment to the office of chief of police or marshal, of a city or town, including a code city, with a population in excess of one thousand, is ineligible unless that person:

- (a) Is a citizen of the United States of America;
- (b) Has obtained a high school diploma or general equivalency diploma;
- (c) Has not been convicted under the laws of this state, another state, or the United States of a felony;
- (d) Has not been convicted of a gross misdemeanor or any crime involving moral turpitude within five years of the date of application;
- (e) Has received at least a general discharge under honorable conditions from any branch of the armed services for any military service if the person was in the military service;
- (f) Has completed at least two years of regular, uninterrupted, full-time commissioned law enforcement employment involving enforcement responsibilities with a government law enforcement agency; and
- (g) The person has been certified as a regular and commissioned enforcement officer through compliance with this state's basic training requirement or equivalency.

(2) A person seeking appointment to the office of chief of police or marshal, of a city or town, including a code city, with a population of one thousand or less, is ineligible unless that person conforms with the requirements of subsection (1) (a) through (e) of this section. A person so appointed as chief of police or marshal must successfully complete the state's basic training

requirement or equivalency within nine months after such appointment, unless an extension has been granted by the criminal justice training commission.

(3) A person seeking appointment to the office of chief of police or marshal shall provide a sworn statement under penalty of perjury to the appointing authority stating that the person meets the requirements of this section.

NEW SECTION. Sec. 5. Before making an appointment in the office of chief of police or marshal, the appointing agency shall complete a thorough background investigation of the candidate. The Washington association of sheriffs and police chiefs shall develop advisory procedures which may be used by the appointing authority in completing its background investigation of candidates for the office of chief of police or marshal.

NEW SECTION. Sec. 6. In the case of a vacancy in the office of chief of police or marshal, all requirements and procedures of sections 4 and 5 of this act shall be followed in filling the vacancy.

NEW SECTION. Sec. 7. Sections 4 through 6 of this act are each added to chapter 35.21 RCW."

Remember the remaining sections accordingly.

On page 8 of the Senate Committee on Governmental Operations title amendment, line 10, after "35.21 RCW;" strike all material down to and including "section;" on line 12

Signed by: Senators Halsan, Zimmerman, Garrett; Representatives Haugen, Cooper, Smith.

#### MOTION

On motion of Senator Halsan, the Report of the Conference Committee on Substitute House Bill No. 902 was adopted and the committee was granted the powers of Free Conference.

#### POINT OF INQUIRY

Senator Zimmerman: "Senator Halsan, the corrections or the changes that had been made earlier on the floor of the session in regard to military service, that section did get incorporated into the final version that we are now dealing with?"

Senator Halsan: "I was informed by staff that they were, but what we are doing at the present time is granting the powers of free conference and it will be done before the Report of the Free Conference Committee is adopted."

#### REPORT OF CONFERENCE COMMITTEE

RE: HB 1049

Authorizing either breath or blood tests for alcoholic content.

April 20, 1987

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom the above measure was referred, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the measure as follows:

The Senate Judiciary Committee amendments be adopted with the following change:

On page 1 of the committee amendment, beginning on line 15 strike "However, the legislature recognizes that there are circumstances, such as when a suspected drunken driver is unconscious or dead, when a direct determination of the alcoholic content of the person's blood is desirable to determine legal rights and responsibilities."

Signed by: Senators Vognild, Newhouse, Talmadge; Representatives Armstrong, Heavey, Padden.

#### MOTION

On motion of Senator Talmadge, the Report of the Conference Committee on House Bill No. 1049 was adopted and the committee was granted the powers of Free Conference.

#### MOTION

At 5:38 p.m., on motion of Senator Bender, the Senate was declared to be at ease.

The Senate was called to order at 7:00 p.m. by President Cherberg.

## MESSAGE FROM THE HOUSE

April 20, 1987

Mr. President:

The House refuses to concur in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 88 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives H. Sommers, Peery and Hankins.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Vognild, the Senate granted the request of the House for a conference on Engrossed Substitute House Bill No. 88 and the Senate amendments thereto.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute House Bill No. 88 and the Senate amendments thereto: Senators Halsan, Zimmerman and Talmadge.

## MOTION

On motion of Senator Vognild, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

April 20, 1987

Mr. President:

The House refuses to concur in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 364 and asks the Senate for a conference thereon. The Speaker has appointed the following members as Conferees: Representatives Wang, Cole and Patrick.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Vognild, the Senate granted the request of the House for a conference on Substitute House Bill No. 364 and the Senate amendments thereto.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute House Bill No. 364 and the Senate amendments thereto: Senators Smitherman, Lee and Warnke.

## MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

April 20, 1987

Mr. President:

The House refuses to concur in the Senate amendments to SECOND SUBSTITUTE HOUSE BILL NO. 569 and asks the Senate for a conference thereon. The Speaker has appointed the following members as Conferees: Representatives Grimm, Rayburn and Doty.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Vognild, the Senate granted the request of the House for a conference on Second Substitute House Bill No. 569 and the Senate amendments thereto.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Second Substitute House Bill No. 569 and the Senate amendments thereto: Senators Hansen, Benitz and Kreidler.

## MOTION

On motion of Senator Vognild, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

April 20, 1987

Mr. President:

The House refuses to concur in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 734 and asks the Senate for a conference thereon. The Speaker has appointed the following members as Conferees: Representatives Armstrong, Scott and Padden.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Vognild, the Senate granted the request of the House for a conference on Substitute House Bill No. 734 and the Senate amendments thereto.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute House Bill No. 734 and the Senate amendments thereto: Senators Talmadge, McCaslin and Vognild.

## MOTION

On motion of Senator Vognild, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

April 20, 1987

Mr. President:

The House refuses to concur in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 773 and asks the Senate for a conference thereon. The Speaker has appointed the following members as Conferees: Representatives Fisher, Pruitt and Sanders.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Vognild, the Senate granted the request of the House for a conference on Substitute House Bill No. 773 and the Senate amendments thereto.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute House Bill No. 773 and the Senate amendments thereto: Senators Halsan, Pullen and Rinehart.

## MOTION

On motion of Senator Vognild, the Conference Committee appointments were confirmed.

## MESSAGES FROM THE HOUSE

April 21, 1987

Mr. President:

The Speaker has signed:  
 SUBSTITUTE HOUSE BILL NO. 2,  
 HOUSE BILL NO. 3,  
 SUBSTITUTE HOUSE BILL NO. 4,  
 SUBSTITUTE HOUSE BILL NO. 25,  
 HOUSE BILL NO. 39.

HOUSE BILL NO. 86,  
 SUBSTITUTE HOUSE BILL NO. 95,  
 SUBSTITUTE HOUSE BILL NO. 129,  
 SUBSTITUTE HOUSE BILL NO. 130,  
 SUBSTITUTE HOUSE BILL NO. 134,  
 SUBSTITUTE HOUSE BILL NO. 154,  
 SECOND SUBSTITUTE HOUSE BILL NO. 163,  
 SECOND SUBSTITUTE HOUSE BILL NO. 196,  
 SUBSTITUTE HOUSE BILL NO. 198,  
 HOUSE BILL NO. 209,  
 SUBSTITUTE HOUSE BILL NO. 237,  
 SUBSTITUTE HOUSE BILL NO. 238,  
 SUBSTITUTE HOUSE BILL NO. 258,  
 SUBSTITUTE HOUSE BILL NO. 259,  
 SUBSTITUTE HOUSE BILL NO. 283,  
 SUBSTITUTE HOUSE BILL NO. 289,  
 SUBSTITUTE HOUSE BILL NO. 291,  
 SECOND SUBSTITUTE HOUSE BILL NO. 321,  
 HOUSE BILL NO. 338,  
 HOUSE BILL NO. 395,  
 SECOND SUBSTITUTE HOUSE BILL NO. 426,  
 SUBSTITUTE HOUSE BILL NO. 450,  
 HOUSE BILL NO. 541,  
 HOUSE BILL NO. 590,  
 HOUSE BILL NO. 663,  
 HOUSE BILL NO. 772,  
 HOUSE BILL NO. 815,  
 HOUSE BILL NO. 816,  
 HOUSE BILL NO. 825,  
 HOUSE BILL NO. 1014,  
 HOUSE BILL NO. 1185,  
 HOUSE JOINT RESOLUTION NO. 4212, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 21, 1987

Mr. President:

The House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 630 and passed the bill as amended by the Senate.

ALAN THOMPSON, Chief Clerk

April 21, 1987

Mr. President:

The House concurred in the Senate amendment(s) and passed the following bills as amended by the Senate:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 80,  
 HOUSE BILL NO. 91,  
 HOUSE BILL NO. 94,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 168,  
 SUBSTITUTE HOUSE BILL NO. 325,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 341,  
 SUBSTITUTE HOUSE BILL NO. 388,  
 ENGROSSED HOUSE BILL NO. 396,  
 SUBSTITUTE HOUSE BILL NO. 413,  
 HOUSE BILL NO. 452,  
 SUBSTITUTE HOUSE BILL NO. 476,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 578,  
 SUBSTITUTE HOUSE BILL NO. 601,  
 SUBSTITUTE HOUSE BILL NO. 614,  
 HOUSE BILL NO. 629,  
 ENGROSSED HOUSE BILL NO. 701,  
 HOUSE BILL NO. 748,  
 SUBSTITUTE HOUSE BILL NO. 790.

HOUSE BILL NO. 795,  
 SUBSTITUTE HOUSE BILL NO. 876,  
 SUBSTITUTE HOUSE BILL NO. 920,  
 SUBSTITUTE HOUSE BILL NO. 928,  
 SUBSTITUTE HOUSE BILL NO. 982,  
 SUBSTITUTE HOUSE BILL NO. 1012,  
 HOUSE BILL NO. 1016,  
 SUBSTITUTE HOUSE BILL NO. 1065,  
 SUBSTITUTE HOUSE BILL NO. 1097,  
 SUBSTITUTE HOUSE BILL NO. 1098,  
 HOUSE BILL NO. 1137,  
 HOUSE BILL NO. 1199, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 21, 1987

Mr. President:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 5104,  
 SENATE BILL NO. 5245,  
 SENATE BILL NO. 5408,  
 SENATE BILL NO. 5861,  
 SECOND SUBSTITUTE SENATE BILL NO. 5993,  
 SUBSTITUTE SENATE BILL NO. 6061,  
 SENATE JOINT MEMORIAL NO. 8016, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 21, 1987

Mr. President:

The Speaker has signed:

SENATE BILL NO. 5013,  
 SUBSTITUTE SENATE BILL NO. 5094,  
 SENATE BILL NO. 5097,  
 SUBSTITUTE SENATE BILL NO. 5113,  
 SUBSTITUTE SENATE BILL NO. 5123,  
 SUBSTITUTE SENATE BILL NO. 5143,  
 SENATE BILL NO. 5160,  
 SENATE BILL NO. 5201,  
 SUBSTITUTE SENATE BILL NO. 5206,  
 SUBSTITUTE SENATE BILL NO. 5212,  
 SENATE BILL NO. 5335,  
 SECOND SUBSTITUTE SENATE BILL NO. 5501,  
 SENATE BILL NO. 5513,  
 SUBSTITUTE SENATE BILL NO. 5520,  
 SENATE BILL NO. 5522,  
 SUBSTITUTE SENATE BILL NO. 5561,  
 SUBSTITUTE SENATE BILL NO. 5584,  
 SENATE BILL NO. 5605,  
 SENATE BILL NO. 5666,  
 SENATE BILL NO. 5735,  
 SENATE BILL NO. 5739,  
 SENATE BILL NO. 5774,  
 SENATE BILL NO. 5780,  
 SENATE JOINT MEMORIAL NO. 8005, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 20, 1987

Mr. President:

The House refuses to concur in the Senate amendments to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 448 and asks the Senate for a conference thereon. The Speaker has appointed the following members as Conferees: Representatives Brekke, Wang and Winsley.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Vognild, the Senate insists on its position, refuses to grant a conference on Engrossed Second Substitute House Bill No. 448 and once again asks the House to concur therein.

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

## REPORTS OF STANDING COMMITTEES

April 21, 1987

SB 5901 Prime Sponsor, Senator McDermott: Relating to fiscal matters. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5901 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bluechel, Cantu, Deccio, Hayner, Kreidler, McDonald, Owen, Saling, Williams, Zimmerman.

Hold.

April 21, 1987

E2SHB 758 Prime Sponsor, Committee on Ways and Means: Establishing the department of wildlife. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Gaspard, Vice Chairman; Bauer, Bluechel, Deccio, Fleming, Kreidler, Owen, Rinehart, Talmadge, Vognild, Warnke, Williams, Wojahn.

Hold.

## GUBERNATORIAL APPOINTMENTS

April 21, 1987

GA 9009 GOVERNOR ALBERT ROSELLINI, reappointed May 31, 1985, for a term ending June 30, 1991, as a member of the Transportation Commission. Reported by Committee on Transportation

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Peterson, Chairman; Tanner, Vice Chairman; Bailey, Barr, Bender, Conner, DeJarnatt, Garrett, Halsan, Nelson, Patterson, Sellar, von Reichbauer, West.

Hold.

April 21, 1987

GA 9016 W. P. ELLIS, reappointed November 27, 1985, for a term ending December 26, 1988, as a member of the Board of Pilotage Commissioners. Reported by Committee on Transportation

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Peterson, Chairman; Tanner, Vice Chairman; Bailey, Barr, Bender, Conner, DeJarnatt, Garrett, Halsan, Nelson, Patterson, Sellar, von Reichbauer, West.

Hold.

April 21, 1987

GA 9032 CHESTER A. RICHMOND, Jr., reappointed May 6, 1986, for a term ending December 26, 1989, as a member of the Board of Pilotage Commissioners. Reported by Committee on Transportation

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Peterson, Chairman; Tanner, Vice Chairman; Bailey, Barr, Bender, Conner, DeJarnatt, Garrett, Halsan, Nelson, Patterson, Sellar, von Reichbauer, West.

Hold.



April 21, 1987

GA 9038 JULE SUGARMAN, appointed July 1, 1986, for a term ending at the Governor's pleasure, as Secretary of the Department of Social and Health Services.  
Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Wojahn, Chairman; Stratton, Vice Chairman; Anderson, Deccio, Johnson, Kiskaddon, Kreidler, Peterson, Tanner.

Hold.

April 21, 1987

GA 9047 LOUIS O. STEWART, reappointed August 8, 1986, for a term ending June 15, 1991, as a member of the Marine Employees Commission.  
Reported by Committee on Transportation

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Peterson, Chairman; Tanner, Vice Chairman; Bailey, Barr, Bender, Conner, DeJarnatt, Garrett, Halsan, Nelson, Patterson, Sellar, West.

Hold.

April 21, 1987

GA 9094 MAUREEN E. SANDISON, appointed January 20, 1987, for a term ending January 19, 1991, as a member of the Board of Pharmacy.  
Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Wojahn, Chairman; Stratton, Vice Chairman; Anderson, Deccio, Johnson, Kiskaddon, Kreidler, Peterson, Tanner.

Hold.

## MOTIONS

On motion of Senator Vognild, the rules were suspended and Substitute Senate Bill No. 5901 was advanced to second reading and placed on the second reading calendar.

On motion of Senator Vognild, the rules were suspended and Engrossed Second Substitute House Bill No. 758 was advanced to second reading and placed on the second reading calendar.

On motion of Senator Vognild, the rules were suspended and Gubernatorial Appointments No. 9009, 9016, 9032, 9038, 9047 and 9094 were advanced to second reading and placed on the second reading calendar.

## MOTION

On motion of Senator Vognild, the Senate returned to the fourth order of business.

## MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Vognild moved to reconsider the vote by which the Senate concurred in the House amendments to Substitute Senate Bill No. 5115, with the exception of subsection (3), Section 3.

The President declared the question before the Senate to be the motion by Senator Vognild to reconsider the vote by which the Senate concurred in the House amendments to Substitute Senate Bill No. 5115, with the exception of subsection (3), Section 3.

The motion by Senator Vognild for reconsideration carried.

## MOTION

On motion of Senator Bender, the Senate refuses to concur in the House amendments to Substitute Senate Bill No. 5115 and asks the House to recede therefrom.

## SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 2,  
 HOUSE BILL NO. 3,  
 SUBSTITUTE HOUSE BILL NO. 4,  
 SUBSTITUTE HOUSE BILL NO. 25,  
 HOUSE BILL NO. 39,  
 HOUSE BILL NO. 86,  
 SUBSTITUTE HOUSE BILL NO. 95,  
 SUBSTITUTE HOUSE BILL NO. 129,  
 SUBSTITUTE HOUSE BILL NO. 130,  
 SUBSTITUTE HOUSE BILL NO. 134,  
 SUBSTITUTE HOUSE BILL NO. 154,  
 SECOND SUBSTITUTE HOUSE BILL NO. 163,  
 SECOND SUBSTITUTE HOUSE BILL NO. 196,  
 SUBSTITUTE HOUSE BILL NO. 198,  
 HOUSE BILL NO. 209,  
 SUBSTITUTE HOUSE BILL NO. 237,  
 SUBSTITUTE HOUSE BILL NO. 238,  
 SUBSTITUTE HOUSE BILL NO. 258,  
 SUBSTITUTE HOUSE BILL NO. 259,  
 SUBSTITUTE HOUSE BILL NO. 283,  
 SUBSTITUTE HOUSE BILL NO. 289,  
 SUBSTITUTE HOUSE BILL NO. 291,  
 SECOND SUBSTITUTE HOUSE BILL NO. 321,  
 HOUSE BILL NO. 338,  
 HOUSE BILL NO. 395,  
 SECOND SUBSTITUTE HOUSE BILL NO. 426,  
 SUBSTITUTE HOUSE BILL NO. 450,  
 HOUSE BILL NO. 541,  
 HOUSE BILL NO. 590,  
 HOUSE BILL NO. 772,  
 HOUSE BILL NO. 815,  
 HOUSE BILL NO. 816,  
 HOUSE BILL NO. 825,  
 HOUSE BILL NO. 1014,  
 HOUSE BILL NO. 1185,  
 HOUSE JOINT RESOLUTION NO. 4212.

## SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 663.

## MOTION

At 7:20 p.m., on motion of Senator Vognild, the Senate adjourned until 9:00 a.m., Wednesday, April 22, 1987.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

## ONE HUNDRED-FIRST DAY

---

### MORNING SESSION

---

Senate Chamber, Olympia, Wednesday, April 22, 1987

The Senate was called to order at 9:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard, consisting of Pages Debbie Anderson and Troy Martin, presented the Colors. Reverend Dennis Hartsook, pastor of St. Mark Lutheran Church of Olympia, offered the prayer.

#### MOTION

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

#### MESSAGES FROM THE HOUSE

April 21, 1987

Mr. President:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 638,

SUBSTITUTE HOUSE BILL NO. 1225, and the same are herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

April 21, 1987

Mr. President:

The House has passed ENGROSSED HOUSE BILL NO. 831, and the same is herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

#### MOTION

At 9:07 a.m., on motion of Senator Bender, the Senate was declared to be at ease.

The Senate was called to order at 11:35 a.m. by President Cherberg.

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

#### SECOND READING

#### CONFIRMATION OF GUBERNATORIAL APPOINTMENT

#### MOTION

On motion of Senator Rasmussen, Gubernatorial Appointment No. 9059, Andrew S. Hess, as a member of the Higher Education Coordinating Board, was confirmed.

#### APPOINTMENT OF ANDREW S. HESS

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 47; absent, 2.

Voting yeas: Senators Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Seilar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Absent: Senators Barr, Kreidler - 2.

#### APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence in the Senate Chamber of the Honorable Ambros T. Senda, Speaker of the Pohnpei Legislature and members of the legislative body of the Federated States of Micronesia and the Eastern Caroline

Islands, and appointed Senators Bottiger, Bauer, Newhouse, Zimmerman, Craswell and Stratton to escort the honored guests to the rostrum.

The President introduced the Honorable Ambros T. Senda as a legislator, as well as a business man acquainted with the Pacific Rim area, Vice Speaker Job Micah, Senator Herculano Kohler, Dr. Kaniel Twum-Barimah, staff economist and Mr. Henry Saimon, legislative clerk.

With permission of the Senate, business was suspended to permit Speaker Senda to address the Senate.

President Cherberg presented the honored guest, Speaker Senda, with a Honorary Distinguished Citizen Certificate from the state of Washington.

The Speaker and the other guests were escorted from the Senate Chambers to a reception in the office of the Lieutenant Governor and the committee was discharged.

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

MESSAGE FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENT

April 20, 1987

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Nat Washington, appointed April 20, 1987, for a term ending January 19, 1993, as a member of the Game Commission.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Natural Resources.

THE PRESIDENT SIGNED

The President signed:

SUBSTITUTE SENATE BILL NO. 5181,  
SUBSTITUTE SENATE BILL NO. 5191,  
SUBSTITUTE SENATE BILL NO. 5232,  
SENATE BILL NO. 5265,  
SUBSTITUTE SENATE BILL NO. 5274,  
SUBSTITUTE SENATE BILL NO. 5326,  
SUBSTITUTE SENATE BILL NO. 5392,  
SUBSTITUTE SENATE BILL NO. 5423,  
SENATE BILL NO. 5483,  
SUBSTITUTE SENATE BILL NO. 5502,  
SUBSTITUTE SENATE BILL NO. 5510,  
SUBSTITUTE SENATE BILL NO. 5511,  
SUBSTITUTE SENATE BILL NO. 5512,  
SUBSTITUTE SENATE BILL NO. 5514,  
SENATE BILL NO. 5529,  
SUBSTITUTE SENATE BILL NO. 5530,  
SUBSTITUTE SENATE BILL NO. 5533,  
SUBSTITUTE SENATE BILL NO. 5606,  
SUBSTITUTE SENATE BILL NO. 5608,  
SUBSTITUTE SENATE BILL NO. 5650,  
SENATE BILL NO. 5693,  
SENATE BILL NO. 5732,  
SENATE BILL NO. 5764,  
SENATE BILL NO. 5863,  
SUBSTITUTE SENATE BILL NO. 5880,  
SENATE BILL NO. 5882,  
SENATE BILL NO. 5948,  
SENATE BILL NO. 5956,  
SENATE BILL NO. 5972,  
SENATE BILL NO. 5976,

SENATE BILL NO. 6003,  
 SUBSTITUTE SENATE BILL NO. 6010,  
 SUBSTITUTE SENATE BILL NO. 6013,  
 SUBSTITUTE SENATE BILL NO. 6023,  
 SUBSTITUTE SENATE BILL NO. 6048.

## MOTION

At 12:08 a.m., on motion of Senator Vognild, the Senate recessed until 2:00 p.m.

## AFTERNOON SESSION

The Senate was called to order at 2:00 p.m. by President Cherberg.

## MOTION

On motion of Senator Bender, Senators Bottiger, Fleming, Hayner, McDermott, McDonald, Newhouse, Sellar, Talmadge and Vognild were excused.

SECOND READING  
 CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

## MOTION

On motion of Senator Gaspard, Gubernatorial Appointment No. 9057, Bill Mortimer, as a member of the Board of Trustees for Lower Columbia Community College District No. 13, was confirmed.

## APPOINTMENT OF BILL MORTIMER

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 37; absent, 3; excused, 9.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, Metcalf, Moore, Nelson, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Smitherman, Stratton, Tanner, von Reichbauer, Williams, Wojahn, Zimmerman - 37.

Absent: Senators Conner, Warnke, West - 3.

Excused: Senators Bottiger, Fleming, Hayner, McDermott, McDonald, Newhouse, Sellar, Talmadge, Vognild - 9.

## MOTIONS

On motion of Senator Bender, Senator Conner was excused.

On motion of Senator Zimmerman, Senator West was excused.

## MOTION

On motion of Senator Gaspard, Gubernatorial Appointment No. 9058, Philip S. Hayes, as a member of the State Board for Community College Education, was confirmed.

## APPOINTMENT OF PHILIP S. HAYES

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 39; excused, 10.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, Metcalf, Moore, Nelson, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Smitherman, Stratton, Talmadge, Tanner, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 39.

Excused: Senators Bottiger, Conner, Fleming, Hayner, McDermott, McDonald, Newhouse, Sellar, Vognild, West - 10.

## MOTION

On motion of Senator Gaspard, Gubernatorial Appointment No. 9060, Mary Henrie, as a member of the Board of Trustees for Wenatchee Valley Community College District No. 15, was confirmed.

## APPOINTMENT OF MARY HENRIE

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 36; absent, 3; excused, 10.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Halsan, Hansen, Kiskaddon, McCaslin, Metcalf,

Moore, Nelson, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Smitherman, Stratton, Talmadge, Tanner, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 36.

Absent: Senators Johnson, Kreidler, Lee - 3.

Excused: Senators Bottiger, Conner, Fleming, Hayner, McDermott, McDonald, Newhouse, Sellar, Vognlid, West - 10.

#### MOTION

On motion of Senator Bender, Senators Kreidler and Rinehart were excused.

#### MOTION

On motion of Senator Gaspard, Gubernatorial Appointment No. 9061, Anthony Washines, as a member of the Board of Trustees for Yakima Valley Community College District No. 16, was confirmed.

#### APPOINTMENT OF ANTHONY WASHINES

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 38; excused, 11.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Lee, McCaslin, Metcalf, Moore, Nelson, Owen, Patterson, Peterson, Pullen, Rasmussen, Saling, Smitherman, Stratton, Talmadge, Tanner, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 38.

Excused: Senators Bottiger, Fleming, Hayner, Kreidler, McDermott, McDonald, Newhouse, Rinehart, Sellar, Vognlid, West - 11.

#### MOTION

On motion of Senator Gaspard, Gubernatorial Appointment No. 9062, Eloise V. Alvarez, as a member of the Board of Trustees for Big Bend Community College District No. 18, was confirmed.

#### APPOINTMENT OF ELOISE V. ALVAREZ

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognlid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 44.

Excused: Senators Fleming, Kreidler, McDermott, Rinehart, West - 5.

#### MOTION

On motion of Senator Gaspard, Gubernatorial Appointment No. 9063, Minh-Anh T. Hodge, as a member of the Board of Trustees for Columbia Basin Community College District No. 19, was confirmed.

#### APPOINTMENT OF MINH-ANH HODGE

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 44; absent, 1; excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Halsan, Hansen, Hayner, Kiskaddon, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognlid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 44.

Absent: Senator Johnson - 1.

Excused: Senators Fleming, Kreidler, Rinehart, West - 4.

#### MOTION

On motion of Senator Gaspard, Gubernatorial Appointment No. 9064, Dennis G. Seinfeld, as a member of the Board of Trustees for Tacoma Community College District No. 22, was confirmed.

#### APPOINTMENT OF DENNIS G. SEINFELD

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 44; absent, 3; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Saling, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 44.

Absent: Senators Johnson, McDonald, Sellar - 3.

Excused: Senators Rinehart, West - 2.

#### MOTION

On motion of Senator Gaspard, Gubernatorial Appointment No. 9065, Jack Durney, as a member of the Board of Trustees for Grays Harbor Community College District No. 2, was confirmed.

#### APPOINTMENT OF JACK DURNEY

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; absent, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Absent: Senator McDermott - 1.

#### MOTION

On motion of Senator Gaspard, Gubernatorial Appointment No. 9067, Dr. Max M. Snyder, as a member of the State Board for Community College Education, was confirmed.

#### APPOINTMENT OF DR. MAX M. SNYDER

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; absent, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Absent: Senator McDermott - 1.

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

There being no objection, the Senate resumed consideration of Engrossed Substitute Senate Bill No. 5071 and the pending motion by Senator Kreidler that the Senate do concur in the House amendments, deferred April 20, 1987.

#### RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Pullen, the President finds that Engrossed Substitute Senate Bill No. 5071 is a measure granting the Department of Ecology authority to regulate the hazardous waste component of certain wastes also having a radioactive waste component.

"The amendments proposed by the House of Representatives allow the United States Department of Energy to dispose of extremely hazardous wastes containing radioactive components and requires a compliance report by the Department of Ecology regarding the handling of hazardous waste by major federal facilities.

"The President, therefore, finds that the proposed amendments do change the scope and object of the bill and that the point of order is well taken."

The amendments by the House of Representatives were ruled out of order.

#### MOTIONS

On motion of Senator Kreidler, the motion to concur in the House amendments to Engrossed Substitute Senate Bill No. 5071 was withdrawn.

On motion of Senator Kreidler, the Senate refuses to concur in the House amendments to Engrossed Substitute Senate Bill No. 5071 and asks the House to recede therefrom.

## MESSAGE FROM THE HOUSE

April 14, 1987

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 5217 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.

(3) No wellness program or activity that involves or requires organized or systematic physical exercise may be implemented or conducted during normal working hours.

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."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

On motion of Senator Wojahn, the Senate concurred in the House amendments to Engrossed Senate Bill No. 5217.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 5217, as amended by the House.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 5217, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; nays, 2; absent, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, Lee, McDonald, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vogndil, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 44.

Voting nay: Senators Craswell, McCaslin - 2.

Absent: Senators Johnson, McDermott, Nelson - 3.

ENGROSSED SENATE BILL NO. 5217, 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 HOUSE

April 17, 1987

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 5219 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. The legislature finds that it is necessary to regulate the practice of naturopaths in order to protect the public health, safety, and welfare. It is the legislature's intent that only individuals who meet and maintain minimum standards of competence and conduct may provide service to the public.

NEW SECTION, Sec. 2. (1) No person may practice naturopathy or represent himself or herself as a naturopath without first applying for and receiving a license from the director to practice naturopathy.

(2) A person represents himself or herself as a naturopath when that person adopts or uses any title or any description of services that incorporates one or more of the following terms or designations: Naturopath or doctor of naturopathic medicine.

NEW SECTION, Sec. 3. Naturopathic medicine or naturopathy is the practice by naturopaths of the art and science of the diagnosis, prevention, and treatment of disorders of the body by stimulation or support, or both, of the natural processes of the human body. A naturopath is responsible and accountable to the consumer for the quality of naturopathic care rendered.

The practice of naturopathy includes manual manipulation (mechanotherapy) until June 30, 1988, the prescription, administration, dispensing, and use, except for the treatment of malignancies or neoplastic disease, of nutrition and food science, physical modalities, homeopathy, certain medicines of mineral, animal, and botanical origin, hygiene and immunization, common diagnostic procedures, and suggestion; however, nothing in this chapter shall prohibit consultation and treatment of a patient in concert with a practitioner licensed under chapter 18.57 or 18.71 RCW.

The legislature shall review the practice of manual manipulation (mechanotherapy) by naturopaths before December 15, 1987, to determine whether the practice should be continued or modified.

NEW SECTION, Sec. 4. 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 or the director's designee.
- (3) "Naturopath" means an individual licensed under this chapter.
- (4) "Committee" means the Washington state naturopathic practice advisory committee.

(5) "Educational program" means a program preparing persons for the practice of naturopathy.

(6) "Nutrition and food science" means the prevention and treatment of disease or other human conditions through the use of foods, water, herbs, roots, bark, or natural food elements.

(7) "Manual manipulation" or "mechanotherapy" means manipulation of a part or the whole of the body by hand or by mechanical means.

(8) "Physical modalities" means use of physical, chemical, electrical, and other noninvasive modalities including, but not limited to heat, cold, air, light, water in any of its forms, sound, massage, and therapeutic exercise.

(9) "Homeopathy" means a system of medicine based on the use of infinitesimal doses of medicines capable of producing symptoms similar to those of the disease treated, as listed in the homeopathic pharmacopeia of the United States.

(10) "Medicines of mineral, animal, and botanical origin" means medicines derived from animal organs, tissues, and oils, minerals, and plants administered orally and topically, excluding legend drugs with the following exceptions: Vitamins, minerals, whole gland thyroid, and substances as exemplified in traditional botanical and herbal pharmacopoeia, and non-drug contraceptive devices excluding intrauterine devices. The use of intermuscular injections are limited to vitamin B-12 preparations and combinations when clinical and/or laboratory evaluation has indicated vitamin B-12 deficiency. The use of controlled substances is prohibited.

(11) "Hygiene and immunization" means the use of such preventative techniques as personal hygiene, asepsis, public health, and immunizations, to the extent allowed by rule and regulation.

(12) "Minor office procedures" means care incident thereto of superficial lacerations and abrasions, and the removal of foreign bodies located in superficial structures, not to include the eye; and the use of antiseptics and topical local anesthetics in connection therewith.

(13) "Common diagnostic procedures" means the use of venipuncture to withdraw blood, commonly used diagnostic modalities consistent with naturopathic practice, health history taking, physical examination, radiography, examination of body orifices excluding endoscopy, and laboratory medicine which obtains samples of human tissue products, including superficial scrapings but excluding procedures which would require surgical incision.

(14) "Suggestion" means techniques including but not limited to counseling, biofeedback, and hypnosis.

(15) "Radiography" means the ordering but not the interpretation of radiographic diagnostic studies and the taking and interpretation of standard radiographs.

NEW SECTION, Sec. 5. Nothing in this chapter shall be construed to prohibit or restrict:

(1) The practice of a profession by individuals who are licensed, certified, or registered under other laws of this state who are performing services within their authorized scope of practice;

(2) The practice of naturopathic medicine by an individual employed by the government of the United States while the individual is engaged in the performance of duties prescribed for him or her by the laws and regulations of the United States;

(3) The practice of naturopathic medicine by students enrolled in a school approved by the director. The performance of services shall be pursuant to a course of instruction or assignments from an instructor and under the supervision of the instructor. The instructor shall be a naturopath licensed pursuant to this chapter; or

(4) The practice of oriental medicine or oriental herbology, or the rendering of other dietary or nutritional advice.

NEW SECTION, Sec. 6. (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) Determine the minimum education and experience requirements for licensure in conformance with section 9 of this act, including but not limited to approval of educational programs;

(e) Prepare and administer or approve the preparation and administration of examinations for licensure;

(f) Issue a license to any applicant who has met the education, training, and examination requirements for licensure and deny a license to applicants who do not meet the minimum qualifications for licensure; except that denial of licenses based on unprofessional conduct or impaired practice shall be governed by the uniform disciplinary act, chapter 18.130 RCW;

(g) Hire clerical, administrative, and investigative staff as needed to implement and administer this chapter and to hire individuals, including those licensed under this chapter, to serve as examiners or consultants as necessary to implement and administer this chapter;

(h) Maintain the official department record of all applicants and licensees;

(i) Determine whether alternative methods of training are equivalent to formal education, and establish forms, procedures, and criteria for evaluation of an applicant's equivalent alternative training to determine the applicant's eligibility to take the examination;

(j) Establish by rule the procedures for an appeal of examination failure;

(k) Conduct a hearing on an appeal of a denial of a license based on the applicant's failure to meet the minimum qualifications for licensure. The hearing shall be conducted pursuant to chapter 34.04 RCW; and

(l) Adopt rules implementing a continuing competency program.

(2) The uniform disciplinary act, chapter 18.130 RCW, governs unlicensed practice, the issuance and denial of licenses and the discipline of licensees under this chapter. The director shall be the disciplining authority under this chapter.

**NEW SECTION. Sec. 7.** (1) There is hereby created the Washington state naturopathic advisory committee consisting of five members appointed by the director who shall advise the director concerning the administration of this chapter. Three members of the initial committee shall be persons who would qualify for licensing under this chapter. Their successors shall be naturopaths who are licensed under this chapter. Two members of the committee shall be individuals who are unaffiliated with the profession. For the initial committee, one unaffiliated member and one naturopath shall serve four-year terms, one unaffiliated member and one naturopath shall serve three-year terms, and one naturopath shall serve a two-year term. The term of office for committee members after the initial committee is four years. Any committee member may be removed for just cause including a finding of fact of unprofessional conduct, impaired practice, or more than three unexcused absences. The director may appoint a new member to fill any vacancy on the committee for the remainder of the unexpired term.

No committee member may serve more than two consecutive terms, whether full or partial.

(2) Committee members shall be compensated in accordance with RCW 43.03.240 and reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(3) The committee may elect annually a chair and vice-chair to direct the meetings of the committee. The committee shall meet at least once each year, and may hold additional meetings as called by the director or the chair.

**NEW SECTION. Sec. 8.** The director, members of the committee, or individuals acting on their behalf, are immune from suit in any civil action based on any act performed in the course of their duties.

**NEW SECTION. Sec. 9.** The department shall issue a license to any applicant who meets the following requirements:

(1) Successful completion of an educational program approved by the director, the minimum standard of which shall be the successful completion of a doctorate degree program in naturopathy which includes a minimum of two hundred post-graduate hours in the study of mechanotherapy from an approved educational program, or successful completion of equivalent alternate training that meets the criteria established by the director. The requirement for two hundred post-graduate hours in the study of mechanotherapy shall expire June 30, 1989;

(2) Successful completion of any equivalent experience requirement established by the director;

(3) Successful completion of an examination administered or approved by the director;

(4) Good moral character; and

(5) Not having engaged in unprofessional conduct or being unable to practice with reasonable skill and safety as a result of a physical or mental impairment.

The director shall establish what constitutes adequate proof of meeting the above requirements. Any person holding a valid license to practice drugless therapeutics under chapter 18.36 RCW upon the effective date of this section shall be deemed licensed pursuant to this chapter.

**NEW SECTION. Sec. 10.** The director shall establish by rule the standards for approval of educational programs and alternate training and may contract with individuals or organizations having expertise in the profession and/or in education to report to the director the information necessary for the director to evaluate the educational programs. The standards for approval shall be based on the minimal competencies necessary for safe practice. The standards and procedures for approval shall apply equally to educational programs and equivalent alternate training within the United States and those in foreign jurisdictions. The director may establish a fee for educational program evaluation. The fee shall be determined by the administrative costs for the educational program evaluation, including, but not limited to, costs for site evaluation.

**NEW SECTION. Sec. 11.** (1) The date and location of the examination shall be established by the director. Applicants who have been found to meet the education and experience requirements for licensure shall be scheduled for the next examination following the filing of the application. The director shall establish by rule the examination application deadline.

(2) The examination shall contain subjects appropriate to the standards of competency and scope of practice.

(3) The director shall establish by rule the requirements for a reexamination if the applicant has failed the examination.

(4) The committee may recommend to the director an examination prepared or administered, or both, by a private testing agency or association of licensing boards.

**NEW SECTION.** Sec. 12. The director shall establish by rule the standards for licensure of applicants licensed in another jurisdiction. However, the standards for reciprocity of licensure shall not be less than required for licensure in the state of Washington.

**NEW SECTION.** Sec. 13. Applications for licensure shall be submitted on forms provided by the department. The department may require any information and documentation needed to determine if the applicant meets the criteria for licensure as provided in this chapter and chapter 18.130 RCW. Each applicant shall pay a fee determined by the director as provided in RCW 43.24.086. The fee shall be submitted with the application.

**NEW SECTION.** Sec. 14. The director shall establish by rule the requirements for renewal of licenses. The director shall establish a renewal and late renewal penalty fee as provided in RCW 43.24.086. Failure to renew shall invalidate the license and all privileges granted by the license. The director shall determine by rule whether a license shall be canceled for failure to renew and shall establish procedures and prerequisites for relicensure.

Sec. 15. Section 5, chapter 326, Laws of 1985 and RCW 18.06.050 are each amended to read as follows:

Any person seeking to be examined shall present to the director at least forty-five days before the commencement of the examination:

(1) A written application on a form or forms provided by the director setting forth under affidavit such information as the director may require; and

(2) Proof that the candidate has:

~~((b))~~ (a) Successfully completed a course, approved by the director, of didactic training in basic sciences and acupuncture over a minimum period of two academic years. The training shall include such subjects as anatomy, physiology, bacteriology, biochemistry, pathology, hygiene, and a survey of western clinical sciences. The basic science classes must be equivalent to those offered at the collegiate level. However, if the applicant is a licensed chiropractor under chapter 18.25 RCW or a ~~(drugless healer under chapter 18.36 RCW)~~ naturopath licensed under chapter 18.—RCW (sections 1 through 14 of this 1987 act), the requirements of this subsection relating to basic sciences may be reduced by up to one year depending upon the extent of the candidate's qualifications as determined under rules adopted by the director;

~~((c))~~ (b) Successfully completed a course, approved by the director, of clinical training in acupuncture over a minimum period of one academic year. The training shall include a minimum of: (i) Twenty-nine quarter credits of supervised practice, consisting of at least four hundred separate patient treatments involving a minimum of one hundred different patients, and (ii) one hundred hours or nine quarter credits of observation which shall include case presentation and discussion.

Sec. 16. Section 14, chapter 122, Laws of 1969 as amended by section 170, chapter 35, Laws of 1982 and RCW 18.100.140 are each amended to read as follows:

Nothing in this chapter shall authorize a director, officer, shareholder, agent or employee of a corporation organized under this chapter, or a corporation itself organized under this chapter, to do or perform any act which would be illegal, unethical or unauthorized conduct under the provisions of the following acts: (1) Medical disciplinary act, chapter 18.72 RCW; (2) Anti-rebating act, chapter 19.68 RCW; (3) State bar act, chapter 2.48 RCW; (4) Professional accounting act, chapter 18.04 RCW; (5) Professional architects act, chapter 18.08 RCW; (6) Professional auctioneers act, chapter 18.11 RCW; (7) ~~(Barbers, chapter 18.15 RCW; (8) Cosmetology, chapter 18.18)~~ Cosmetologists, barbers, and manicurists, chapter 18.16 RCW; ~~((9))~~ (8) Boarding homes act, chapter 18.20 RCW; ~~((10))~~ (9) Podiatry, chapter 18.22 RCW; ~~((11))~~ (10) Chiropractic act, chapter 18.25 RCW; ~~((12))~~ (11) Registration of contractors, chapter 18.27 RCW; ~~((13))~~ (12) Debt adjusting act, chapter 18.28 RCW; ~~((14))~~ (13) Dental hygienist act, chapter 18.29 RCW; ~~((15))~~ (14) Dentistry, chapter 18.32 RCW; ~~((16))~~ (15) Dispensing opticians, chapter 18.34 RCW; ~~((17) Drugless healing, chapter 18.36 RCW; (18))~~ (16) Naturopathic act, chapter 18.—RCW (sections 1 through 14 of this 1987 act); (17) Embalmers and funeral directors, chapter 18.39 RCW; ~~((19))~~ (18) Engineers and land surveyors, chapter 18.43 RCW; ~~((20))~~ (19) Escrow agents registration act, chapter 18.44 RCW; ~~((21) Furniture and bedding industry, chapter 18.45 RCW; (22))~~ (20) Maternity homes, chapter 18.46 RCW; ~~((23))~~ (21) Midwifery, chapter 18.50 RCW; ~~((24))~~ (22) Nursing homes, chapter 18.51 RCW; ~~((25))~~ (23) Optometry, chapter 18.53 RCW; ~~((26))~~ (24) Osteopathy, chapter 18.57 RCW; ~~((27))~~ (25) Pharmacists, chapter 18.64 RCW; ~~((28))~~ (26) Physical therapy, chapter 18.74 RCW; ~~((29))~~ (27) Practical nurses, chapter 18.78 RCW; ~~((30) Prophylactic vendors, chapter 18.81 RCW; (31))~~ (28) Psychologists, chapter 18.83 RCW; ~~((32))~~ (29) Real estate brokers and salesmen, chapter 18.85 RCW; ~~((33))~~ (30) Registered professional nurses, chapter 18.88 RCW; ~~((34) Sanitariums, chapter 18.96 RCW; (35))~~ (31) Veterinarians, chapter 18.92 RCW.

Sec. 17. Section 3, chapter 117, Laws of 1985 and section 28, Laws of 326, Laws of 1985 and RCW 18.120.020 are each reenacted and amended to read as follows:

The definitions contained in this section shall apply throughout this chapter unless the context clearly requires otherwise.

(1) "Applicant group" includes any health professional group or organization, any individual, or any other interested party which proposes that any health professional group not presently regulated be regulated or which proposes to substantially increase the scope of practice of the profession.

(2) "Certificate" and "certification" mean a voluntary process by which a statutory regulatory entity grants recognition to an individual who (a) has met certain prerequisite qualifications specified by that regulatory entity, and (b) may assume or use "certified" in the title or designation to perform prescribed health professional tasks.

(3) "Grandfather clause" means a provision in a regulatory statute applicable to practitioners actively engaged in the regulated health profession prior to the effective date of the regulatory statute which exempts the practitioners from meeting the prerequisite qualifications set forth in the regulatory statute to perform prescribed occupational tasks.

(4) "Health professions" means and includes the following health and health-related licensed or regulated professions and occupations: Podiatry under chapter 18.22 RCW; chiropractic under chapters 18.25 and 18.26 RCW; dental hygiene under chapter 18.29 RCW; dentistry under chapter 18.32 RCW; dispensing opticians under chapter 18.34 RCW; hearing aids under chapter 18.35 RCW; ~~(drugless healing under chapter 18.36 RCW)~~ naturopaths under chapter 18.— RCW (sections 1 through 14 of this 1987 act); embalming and funeral directing under chapter 18.39 RCW; midwifery under chapter 18.50 RCW; nursing home administration under chapter 18.52 RCW; optometry under chapters 18.53 and 18.54 RCW; ophthalmologists under chapter 18.55 RCW; osteopathy and osteopathic medicine and surgery under chapters 18.57 and 18.57A RCW; pharmacy under chapters 18.64 and 18.64A RCW; medicine under chapters 18.71, 18.71A, and 18.72 RCW; emergency medicine under chapter 18.73 RCW; physical therapy under chapter 18.74 RCW; practical nurses under chapter 18.78 RCW; psychologists under chapter 18.83 RCW; registered nurses under chapter 18.88 RCW; occupational therapists licensed pursuant to chapter 18.59 RCW; veterinarians and animal technicians under chapter 18.92 RCW; health care assistants under chapter 18.135 RCW; massage practitioners under chapter 18.108 RCW; and acupuncturists certified under chapter 18.06 RCW.

(5) "Inspection" means the periodic examination of practitioners by a state agency in order to ascertain whether the practitioners' occupation is being carried out in a fashion consistent with the public health, safety, and welfare.

(6) "Legislative committees of reference" means the standing legislative committees designated by the respective rules committees of the senate and house of representatives to consider proposed legislation to regulate health professions not previously regulated.

(7) "License", "licensing", and "licensure" mean permission to engage in a health profession which would otherwise be unlawful in the state in the absence of the permission. A license is granted to those individuals who meet prerequisite qualifications to perform prescribed health professional tasks and for the use of a particular title.

(8) "Professional license" means an individual, nontransferable authorization to carry on a health activity based on qualifications which include: (a) Graduation from an accredited or approved program, and (b) acceptable performance on a qualifying examination or series of examinations.

(9) "Practitioner" means an individual who (a) has achieved knowledge and skill by practice, and (b) is actively engaged in a specified health profession.

(10) "Public member" means an individual who is not, and never was, a member of the health profession being regulated or the spouse of a member, or an individual who does not have and never has had a material financial interest in either the rendering of the health professional service being regulated or an activity directly related to the profession being regulated.

(11) "Registration" means the formal notification which, prior to rendering services, a practitioner shall submit to a state agency setting forth the name and address of the practitioner; the location, nature and operation of the health activity to be practiced; and, if required by the regulatory entity, a description of the service to be provided.

(12) "Regulatory entity" means any board, commission, agency, division, or other unit or subunit of state government which regulates one or more professions, occupations, industries, businesses, or other endeavors in this state.

(13) "State agency" includes every state office, department, board, commission, regulatory entity, and agency of the state, and, where provided by law, programs and activities involving less than the full responsibility of a state agency.

Sec. 18, Section 4, chapter 279, Laws of 1984 as amended by section 29, chapter 326, Laws of 1985 and by section 3, chapter 259, Laws of 1986 and RCW 18.130.040 are each reenacted and amended to read as follows:

(1) This chapter applies only to the director and the boards having jurisdiction in relation to the professions licensed under the chapters specified in this section. This chapter does not apply to any business or profession not licensed under the chapters specified in this section.

(2) (a) The director has authority under this chapter in relation to the following professions:

- (i) Dispensing opticians licensed under chapter 18.34 RCW;
- (ii) ~~(Drugless healers licensed under chapter 18.36 RCW))~~ Naturopaths licensed under chapter 18.-- RCW (sections 1 through 14 of this act);
- (iii) Midwives licensed under chapter 18.50 RCW;
- (iv) Ocularists licensed under chapter 18.55 RCW;
- (v) Massage operators and businesses licensed under chapter 18.108 RCW;
- (vi) Dental hygienists licensed under chapter 18.29 RCW; and
- (vii) Acupuncturists certified under chapter 18.106 RCW.
- (b) The boards having authority under this chapter are as follows:
  - (i) The podiatry board as established in chapter 18.22 RCW;
  - (ii) The chiropractic disciplinary board as established in chapter 18.26 RCW governing licenses issued under chapter 18.25 RCW;
  - (iii) The dental disciplinary board as established in chapter 18.32 RCW;
  - (iv) The board of funeral directors and embalmers as established in chapter 18.39 RCW;
  - (v) The optometry board as established in chapter 18.54 RCW governing licenses issued under chapter 18.53 RCW;
  - (vi) The board of osteopathic medicine and surgery as established in chapter 18.57 RCW governing licenses issued under chapters 18.57 and 18.57A RCW;
  - (vii) The medical disciplinary board as established in chapter 18.72 RCW governing licenses and registrations issued under chapters 18.71 and 18.71A RCW;
  - (viii) The board of physical therapy as established in chapter 18.74 RCW;
  - (ix) The board of occupational therapy practice as established in chapter 18.59 RCW;
  - (x) The board of practical nursing as established in chapter 18.78 RCW;
  - (xi) The board of nursing as established in chapter 18.88 RCW; and
  - (xii) The veterinary board of governors as established in chapter 18.92 RCW.

(3) In addition to the authority to discipline license holders, the disciplining authority has the authority to grant or deny licenses based on the conditions and criteria established in this chapter and the chapters specified in subsection (2) of this section. However, the board of chiropractic examiners has authority over issuance and denial of licenses provided for in chapter 18.25 RCW, the board of dental examiners has authority over issuance and denial of licenses provided for in RCW 18.32.040, and the board of medical examiners has authority over issuance and denial of licenses and registrations provided for in chapters 18.71 and 18.71A RCW. This chapter also governs any investigation, hearing, or proceeding relating to denial of licensure or issuance of a license conditioned on the applicant's compliance with an order entered pursuant to RCW 18.130.160 by the disciplining authority.

NEW SECTION. Sec. 19. Sections 1 through 14 of this act shall constitute a chapter in Title 18 RCW.

NEW SECTION. Sec. 20. Sections 1 through 14 of this act shall take effect January 1, 1988.

NEW SECTION. Sec. 21. A new section is added to chapter 43.131 RCW to read as follows:

The Washington state naturopathic practice advisory committee and its powers and duties shall be terminated on June 30, 1993, as provided in section 22 of this act.

NEW SECTION. Sec. 22. 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, 1994:

- (1) Section 1 of this act and RCW 18.\_\_\_\_\_;
- (2) Section 2 of this act and RCW 18.\_\_\_\_\_;
- (3) Section 3 of this act and RCW 18.\_\_\_\_\_;
- (4) Section 4 of this act and RCW 18.\_\_\_\_\_;
- (5) Section 5 of this act and RCW 18.\_\_\_\_\_;
- (6) Section 6 of this act and RCW 18.\_\_\_\_\_;
- (7) Section 7 of this act and RCW 18.\_\_\_\_\_;
- (8) Section 8 of this act and RCW 18.\_\_\_\_\_;
- (9) Section 9 of this act and RCW 18.\_\_\_\_\_;
- (10) Section 10 of this act and RCW 18.\_\_\_\_\_;
- (11) Section 11 of this act and RCW 18.\_\_\_\_\_;
- (12) Section 12 of this act and RCW 18.\_\_\_\_\_;
- (13) Section 13 of this act and RCW 18.\_\_\_\_\_; and
- (14) Section 14 of this act and RCW 18.\_\_\_\_\_.

NEW SECTION. Sec. 23. The following acts or parts of acts are each repealed, effective June 30, 1988:

- (1) Section 13, chapter 36, Laws of 1919, section 1, chapter 131, Laws of 1985, section 50, chapter 259, Laws of 1986 and RCW 18.36.010;
- (2) Section 12, chapter 36, Laws of 1919, section 51, chapter 259, Laws of 1986 and RCW 18.36.020;
- (3) Section 8, chapter 36, Laws of 1919, section 52, chapter 259, Laws of 1986 and RCW 18.36.030;
- (4) Section 3, chapter 36, Laws of 1919, section 39, chapter 30, Laws of 1975 1st ex. sess., section 34, chapter 7, Laws of 1985, section 53, chapter 259, Laws of 1986 and RCW 18.36.040;

(5) Section 11, chapter 36, Laws of 1919, section 40, chapter 30, Laws of 1975 1st ex. sess., section 35, chapter 7, Laws of 1985, section 54, chapter 259, Laws of 1986 and RCW 18.36.050;

(6) Section 4, chapter 36, Laws of 1919, section 55, chapter 259, Laws of 1986 and RCW 18.36.060;

(7) Section 1, chapter 83, Laws of 1953, section 7, chapter 266, Laws of 1971 ex. sess., section 41, chapter 30, Laws of 1975 1st ex. sess., section 36, chapter 7, Laws of 1985 and RCW 18.36.115;

(8) Section 14, chapter 36, Laws of 1919 and RCW 18.36.120;

(9) Section 7, chapter 36, Laws of 1919, section 56, chapter 259, Laws of 1986 and RCW 18.36.130;

(10) Section 49, chapter 259, Laws of 1986 and RCW 18.36.136;

(11) Section 17, chapter 36, Laws of 1919 and RCW 18.36.165;

(12) Section 1, chapter 10, Laws of 1925 and RCW 18.36.170;

(13) Section 2, chapter 10, Laws of 1925 and RCW 18.36.200;

(14) Section 3, chapter 10, Laws of 1925 and RCW 18.36.210;

(15) Section 4, chapter 10, Laws of 1925 and RCW 18.36.220;

(16) Section 5, chapter 10, Laws of 1925 and RCW 18.36.230;

(17) Section 6, chapter 10, Laws of 1925 and RCW 18.36.240; and

(18) Section 7, chapter 10, Laws of 1925 and RCW 18.36.245.

**NEW SECTION.** Sec. 24. The following acts are each repealed, effective June 30, 1987:

(1) Section 20, chapter 197, Laws of 1983 and RCW 43.131.293; and

(2) Section 46, chapter 197, Laws of 1983 and RCW 43.131.294.

**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.

**NEW SECTION.** Sec. 26. Section 24 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 30, 1987.\*

On page 1, line 1 of the title, after "physicians;" strike the remainder of the title and insert "amending RCW 18.06.050 and 18.100.140; 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; repealing RCW 18.36.010, 18.36.020, 18.36.030, 18.36.040, 18.36.050, 18.36.060, 18.36.115, 18.36.120, 18.36.130, 18.36.136, 18.36.165, 18.36.170, 18.36.200, 18.36.210, 18.36.220, 18.36.230, 18.36.240, 18.36.245, 43.131.293, and 43.131.294; declaring an emergency; and providing for effective dates.\*"

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

Senator Wojahn moved that the Senate do concur in the House amendments to Substitute Senate Bill No. 5219.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Wojahn that the Senate do concur in the House amendments to Substitute Senate Bill No. 5219.

The motion by Senator Wojahn carried and the Senate concurred in the House amendments to Substitute Senate Bill No. 5219.

#### MOTION

On motion of Senator Bluechel, Senator Benitz was excused.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5219, as amended by the House.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5219, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; nays, 2; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, Metcalfe, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vogtild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 46.

Voting nay: Senators Craswell, McCaslin - 2.

Excused: Senator Benitz - 1.

SUBSTITUTE SENATE BILL NO. 5219, 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 HOUSE

April 16, 1987

Mr. President:

The House has passed ENGROSSED SUBSTITUE SENATE BILL NO. 5225 with the following amendments:

Strike everything after the enacting clause and insert the following:

\*Sec. 1. Section 1, chapter 196, Laws of 1971 ex. sess. and RCW 28B.52.010 are each amended to read as follows:

It is the purpose of this chapter to strengthen methods of administering employer-employee relations through the establishment of orderly methods of communication between academic employees and the community college districts by which they are employed.

It is the purpose of this chapter to promote cooperative efforts by prescribing certain rights and obligations of the employees and employers and by establishing orderly procedures governing the relationship between the employees and their employers which procedures are designed to meet the special requirements and needs of public employment in higher education. It is the intent of this chapter to promote activity that includes the elements of open communication and access to information in a timely manner, with reasonable discussion and interpretation of that information. It is the further intent that such activity shall be characterized by mutual respect, integrity, reasonableness, and a desire on the part of the parties to address and resolve the points of concern.

Sec. 2. Section 2, chapter 196, Laws of 1971 ex. sess. as last amended by section 12, chapter 296, Laws of 1975 1st ex. sess. and RCW 28B.52.020 are each amended to read as follows:

As used in this chapter:

(1) "Employee organization" means any organization which includes as members the academic employees of a community college district and which has as one of its purposes the representation of the employees in their employment relations with the community college district.

(2) "Academic employee" means any teacher, counselor, librarian, or department head, who is employed by any community college district, whether full or part time, with the exception of the chief administrative officer of, and any administrator in, each community college district.

(3) "Administrator" means any person employed either full or part time by the community college district and who performs administrative functions as at least fifty percent or more of his assignments, and has responsibilities to hire, dismiss, or discipline other employees. Administrators shall not be members of the bargaining unit unless a majority of such administrators and a majority of the bargaining unit elect by secret ballot for such inclusion pursuant to rules and regulations as adopted in accordance with RCW 28B.52.080.

(4) "Commission" means the public employment relations commission.

(5) "Unfair labor practice" means any unfair labor practice listed in section 11 of this 1987 act.

(6) "Union security provision" means a provision in a collective bargaining agreement under which some or all employees in the bargaining unit may be required, as a condition of continued employment on or after the thirtieth day following the beginning of such employment or the effective date of the provision, whichever is later, to become a member of the exclusive bargaining representative or pay an agency fee equal to the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative.

(7) "Exclusive bargaining representative" means any employee organization which has:

(a) Been certified or recognized under this chapter as the representative of the employees in an appropriate collective bargaining unit; or

(b) Before the effective date of this section, been certified or recognized under a predecessor statute as the representative of the employees in a bargaining unit which continues to be appropriate under this chapter.

(8) "Collective bargaining" and "bargaining" mean the performance of the mutual obligation of the representatives of the employer and the exclusive bargaining representative to meet at reasonable times to bargain in good faith in an effort to reach agreement with respect to wages, hours, and other terms and conditions of employment, such as procedures related to nonretention, dismissal, denial of tenure, and reduction in force. Prior law, practice, or interpretation shall be neither restrictive, expansive, nor determinative with respect to the scope of bargaining. A written contract incorporating any agreements reached shall be executed if requested by either party. The obligation to bargain does not compel either party to agree to a proposal or to make a concession.



In the event of a dispute between an employer and an exclusive bargaining representative over the matters that are terms and conditions of employment, the commission shall decide which items are mandatory subjects for bargaining.

Sec. 3. Section 3, chapter 196, Laws of 1971 ex. sess. as amended by section 2, chapter 205, Laws of 1973 1st ex. sess. and RCW 28B.52.030 are each amended to read as follows:

Representatives of an employee organization, which organization shall by secret ballot have won a majority in an election to represent the academic employees within its community college district, shall have the right ~~(to after using established administrative channels, to meet, confer and negotiate with the board of trustees of the community college district or its delegated representative(s) to communicate the considered professional judgment of the academic staff prior to the final adoption by the board of proposed community college district policies relating to, but not limited to, curriculum, textbook selection, in-service training, student teaching programs, personnel, hiring and assignment practices, leaves of absence, salaries and salary schedules and noninstructional duties))~~ to bargain as defined in RCW 28B.52.020(8).

Sec. 4. Section 4, chapter 205, Laws of 1973 1st ex. sess. and RCW 28B.52.035 are each amended to read as follows:

At the conclusion of any negotiation processes as provided for in RCW 28B.52.030, any matter upon which the parties have reached agreement shall be reduced to writing and acted upon in a regular or special meeting of the boards of trustees, and become part of the official proceedings of said board meeting. Provisions of written contracts relating to salary increases shall not exceed the amount or percentage established by the legislature in the appropriations act and allocated to the board of trustees by the state board for community college education. The length of ((terms within)) term of any such agreement shall be for not more than three fiscal years. Any provisions of these agreements pertaining to salary increases will not be binding upon future actions of the legislature. If any provision of a salary increase is changed by subsequent modification of the appropriations act by the legislature, both parties shall immediately enter into collective bargaining for the sole purpose of arriving at a mutually agreed upon replacement for the modified provision.

**NEW SECTION.** Sec. 5. A new section is added to chapter 28B.52 RCW to read as follows:

Employees have the right to self-organization, to form, join, or assist employee organizations, to bargain collectively through representatives of their own choosing, and also have the right to refrain from any or all of these activities except to the extent that employees may be required to make payments to an exclusive bargaining representative or charitable organization under a union security provision authorized in this chapter.

**NEW SECTION.** Sec. 6. A new section is added to chapter 28B.52 RCW to read as follows:

A board of trustees or an employee organization that enters into a negotiated agreement under RCW 28B.52.030 may include in the agreement procedures for binding arbitration of the disputes arising about the interpretation or application of the agreement including but not limited to nonretention, dismissal, denial of tenure, and reduction in force.

**NEW SECTION.** Sec. 7. A new section is added to chapter 28B.52 RCW to read as follows:

Except as otherwise expressly provided in this chapter, this chapter shall not be construed to deny or otherwise abridge any rights, privileges, or benefits granted by law to employees. This chapter shall not be construed to interfere with the responsibilities and rights of the board of trustees as specified by federal and state law.

**NEW SECTION.** Sec. 8. A new section is added to chapter 28B.52 RCW to read as follows:

(1) Upon filing with the employer the voluntary written authorization of a bargaining unit employee under this chapter, the employee organization which is the exclusive bargaining representative of the bargaining unit shall have the right to have deducted from the salary of the bargaining unit employee the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative. Such employee authorization shall not be irrevocable for a period of more than one year. Such dues and fees shall be deducted from the pay of all employees who have given authorization for such deduction, and shall be transmitted by the employer to the employee organization or to the depository designated by the employee organization.

(2) A collective bargaining agreement may include union security provisions, but not a closed shop. If an agency shop or other union security provision is agreed to, the employer shall enforce any such provision by deductions from the salary of bargaining unit employees affected thereby and shall transmit such funds to the employee organization or to the depository designated by the employee organization.

(3) An employee who is covered by a union security provision and who asserts a right of nonassociation based on bona fide religious tenets or teachings of a church or religious body of which such employee is a member shall pay to a nonreligious charity or other charitable organization an amount of money equivalent to the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative. The charity shall be agreed upon by the employee and the employee organization to which such employee would otherwise pay the dues and fees. The employee shall furnish written proof that such payments have been made. If the employee and the employee

organization do not reach agreement on such matter, the commission shall designate the charitable organization.

Sec. 9. Section 5, chapter 196, Laws of 1971 ex. sess. as last amended by section 13, chapter 296, Laws of 1975 1st ex. sess. and RCW 28B.52.060 are each amended to read as follows:

The commission ~~((is authorized to)) shall conduct ((fact-finding and)) mediation activities upon the ((consent)) request of ((both parties)) either party as a means of assisting in the settlement of unresolved matters considered under this chapter.~~

In the event that any matter being jointly considered by the employee organization and the board of trustees of the community college district is not settled by the means provided in this chapter, either party, twenty-four hours after serving written notice of its intended action to the other party, may, request the assistance and advice of the commission. Nothing in this section prohibits an employer and an employee organization from agreeing to substitute, at their own expense, some other impasse procedure or other means of resolving matters considered under this chapter.

NEW SECTION. Sec. 10. A new section is added to chapter 28B.52 RCW to read as follows:

The commission may adjudicate any unfair labor practices alleged by a board of trustees or an employee organization and shall adopt reasonable rules to administer this section. However, the parties may agree to seek relief from unfair labor practices through binding arbitration.

NEW SECTION. Sec. 11. A new section is added to chapter 28B.52 RCW to read as follows:

(1) It shall be an unfair labor practice for an employer:

(a) To interfere with, restrain, or coerce employees in the exercise of the rights guaranteed by this chapter;

(b) To dominate or interfere with the formation or administration of any employee organization or contribute financial or other support to it: PROVIDED, That subject to rules adopted by the commission, an employer shall not be prohibited from permitting employees to confer with it or its representatives or agents during working hours without loss of time or pay;

(c) To encourage or discourage membership in any employee organization by discrimination in regard to hire, tenure of employment, or any term or condition of employment;

(d) To discharge or discriminate otherwise against an employee because that employee has filed charges or given testimony under this chapter;

(e) To refuse to bargain collectively with the representatives of its employees.

(2) It shall be an unfair labor practice for an employee organization:

(a) To restrain or coerce an employee in the exercise of the rights guaranteed by this chapter: PROVIDED, That this subsection shall not impair the right of an employee organization to prescribe its own rules with respect to the acquisition or retention of membership in the employee organization or to an employer in the selection of its representatives for the purpose of bargaining or the adjustment of grievances;

(b) To cause or attempt to cause an employer to discriminate against an employee in violation of subsection (1)(c) of this section;

(c) To discriminate against an employee because that employee has filed charges or given testimony under this chapter;

(d) To refuse to bargain collectively with an employer.

(3) The expressing of any views, arguments, or opinion, or the dissemination thereof to the public, whether in written, printed, graphic, or visual form, shall not constitute or be evidence of an unfair labor practice under this chapter, if such expression contains no threat of reprisal or force or promise of benefit.

Sec. 12. Section 6, chapter 205, Laws of 1973 1st ex. sess. and RCW 28B.52.200 are each amended to read as follows:

Nothing in chapter 28B.52 RCW as now or hereafter amended shall compel either party to agree to a proposal or to make a concession, nor shall any provision in chapter 28B.52 RCW as now or hereafter amended be construed as limiting or precluding the exercise by each community college board of trustees of any powers or duties authorized or provided to it by law unless such exercise is contrary to the terms and conditions of any lawful negotiated agreement, except that other than to extend the terms of a previous contract, a board of trustees shall not take unilateral action on any unresolved issue under negotiation, unless the parties have first participated in good faith mediation or some other procedure as authorized by RCW 28B.52.060 to seek resolution of the issue.

NEW SECTION. Sec. 13. A new section is added to chapter 28B.52 RCW to read as follows:

The right of community college faculty to engage in any strike is prohibited. The right of a board of trustees to engage in any lockout is prohibited. Should either a strike or lockout occur, the representative of the faculty or board of trustees may invoke the jurisdiction of the superior court in the county in which the labor dispute exists and such court shall have jurisdiction to issue an appropriate order against either or both parties. In fashioning an order, the court shall take into consideration not only the elements necessary for injunctive relief but also the purpose and goals of this chapter and any mitigating factors such as the commission of an unfair labor practice by either party.

Sec. 14. Section 6, chapter 14, Laws of 1979 as last amended by section 96, chapter 370, Laws of 1985 and RCW 28B.50.140 are each amended to read as follows:

Each community college board of trustees:

- (1) Shall operate all existing community colleges and vocational-technical institutes in its district;
- (2) Shall create comprehensive programs of community college education and training and maintain an open-door policy in accordance with the provisions of RCW 28B.50.090(3);
- (3) Shall employ for a period to be fixed by the board a college president for each community college, a director for each vocational-technical institute or school operated by a community college, a district president, if deemed necessary by the board, in the event there is more than one college and/or separated institute or school located in the district, members of the faculty and such other administrative officers and other employees as may be necessary or appropriate and fix their salaries and duties. Salary increases shall not exceed the amount or percentage established in the state appropriations act by the legislature as allocated to the board of trustees by the state board for community college education;
- (4) May establish, under the approval and direction of the college board, new facilities as community needs and interests demand. However, the authority of community college boards of trustees to purchase or lease major off-campus facilities shall be subject to the approval of the higher education coordinating board pursuant to RCW 28B.80.340(5);
- (5) May establish or lease, operate, equip and maintain dormitories, food service facilities, bookstores and other self-supporting facilities connected with the operation of the community college;
- (6) May, with the approval of the college board, borrow money and issue and sell revenue bonds or other evidences of indebtedness for the construction, reconstruction, erection, equipping with permanent fixtures, demolition and major alteration of buildings or other capital assets, and the acquisition of sites, rights-of-way, easements, improvements or appurtenances, for dormitories, food service facilities, and other self-supporting facilities connected with the operation of the community college in accordance with the provisions of RCW 28B.10.300 through 28B.10.330 where applicable;
- (7) May establish fees and charges for the facilities authorized hereunder, including reasonable rules and regulations for the government thereof, not inconsistent with the rules and regulations of the college board; each board of trustees operating a community college may enter into agreements, subject to rules and regulations of the college board, with owners of facilities to be used for housing regarding the management, operation, and government of such facilities, and any board entering into such an agreement may:
  - (a) Make rules and regulations for the government, management and operation of such housing facilities deemed necessary or advisable; and
  - (b) Employ necessary employees to govern, manage and operate the same;
- (8) 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 as specified by law and the regulations of the state college board; 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;
- (9) May establish and maintain night schools whenever in the discretion of the board of trustees it is deemed advisable, and authorize classrooms and other facilities to be used for summer or night schools, or for public meetings and for any other uses consistent with the use of such classrooms or facilities for community college purposes;
- (10) May make rules and regulations for pedestrian and vehicular traffic on property owned, operated, or maintained by the community college district;
- (11) Shall prescribe, with the assistance of the faculty, the course of study in the various departments of the community college or colleges under its control, and publish such catalogues and bulletins as may become necessary;
- (12) May grant to every student, upon graduation or completion of a course of study, a suitable diploma, nonbaccalaureate degree or certificate;
- (13) Shall enforce the rules and regulations prescribed by the state board for community college education for the government of community colleges, students and teachers, and promulgate such rules and regulations and perform all other acts not inconsistent with law or rules and regulations of the state board for community college education as the board of trustees may in its discretion deem necessary or appropriate to the administration of community college districts: PROVIDED, That such rules and regulations shall include, but not be limited to, rules and regulations relating to housing, scholarships, conduct at the various community college facilities, and discipline: PROVIDED, FURTHER, That the board of trustees may suspend or expel from community colleges students who refuse to obey any of the duly promulgated rules and regulations;

(14) May, by written order filed in its office, delegate to the president or district president any of the powers and duties vested in or imposed upon it by this chapter. Such delegated powers and duties may be exercised in the name of the district board;

(15) May perform such other activities consistent with this chapter and not in conflict with the directives of the college board;

(16) Notwithstanding any other provision of law, may offer educational services on a contractual basis other than the tuition and fee basis set forth in chapter 28B.15 RCW for a special fee to private or governmental entities, consistent with rules and regulations adopted by the state board for community college education: PROVIDED, That the whole of such special fee shall go to the college district and be not less than the full instructional costs of such services: PROVIDED FURTHER, That enrollments generated hereunder shall not be counted toward the official enrollment level of the college district for state funding purposes;

(17) Notwithstanding any other provision of law, may offer educational services on a contractual basis, charging tuition and fees as set forth in chapter 28B.15 RCW, counting such enrollments for state funding purposes, and may additionally charge a special supplemental fee when necessary to cover the full instructional costs of such services: PROVIDED, That such contracts shall be subject to review by the state board for community college education and to such rules as the state board may adopt for that purpose in order to assure that the sum of the supplemental fee and the normal state funding shall not exceed the projected total cost of offering the educational service: PROVIDED FURTHER, That enrollments generated by courses offered on the basis of contracts requiring payment of a share of the normal costs of the course will be discounted to the percentage provided by the college;

(18) Shall be authorized to pay dues to any association of trustees that may be formed by the various boards of trustees; such association may expend any or all of such funds to submit biennially, or more often if necessary, to the governor and to the legislature, the recommendations of the association regarding changes which would affect the efficiency of such association;

(19) Subject to the approval of the higher education coordinating board pursuant to RCW 28B.80.340(4), may participate in higher education centers and consortia that involve any four-year public or independent college or university; and

(20) Shall perform any other duties and responsibilities imposed by law or rule and regulation of the state board.

**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."

On page 1, line 2 of the title, after "personnel;" strike the remainder of the title and insert "amending RCW 28B.52.010, 28B.52.020, 28B.52.030, 28B.52.035, 28B.52.060, 28B.52.200, and 28B.50.140; and adding new sections to chapter 28B.52 RCW."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

Senator Gaspard moved that the Senate do concur in the House amendments to Engrossed Substitute Senate Bill No. 5225.

Debate ensued.

#### POINT OF INQUIRY

Senator Rasmussen: "Senator Gaspard, with the way the House has amended the bill, all the right that the employees have is the right to get together and talk. Is that right? They can't negotiate on salary; they can't have a strike; they can get together and talk. Is that what's left in the bill?"

Senator Gaspard: "Senator Rasmussen, the current law for the community colleges is what is called 'a meet and confer' which is interpreted in different ways by the local districts, whether it is a formal process or whether it is a very informal process to meet over a cup of coffee. This establishes more of a formal process so that everybody will know what the rules are to abide by and when there is a dispute, whether it be on the management side or faculty side, it brings in the Superior Court to resolve that dispute."

Senator Rasmussen: "Senator Gaspard, one more question, does this require compulsory membership? The dues I understand are about \$400 to \$500 a year. I have had complaints from some of the members of the community colleges that they did not want to pay that \$400 to \$500 a year dues, because they felt they would not get a salary increase large enough to cover it. Now, the question is, does this require compulsory membership in the union? This is one of the things they were objecting to."

Senator Gaspard: "Senator Rasmussen, the dues, as is allowed in current law, if they disagreed with the organization, those dues that are not part of the necessity of bargaining can be donated to charity causes."

Senator Rasmussen: "It is a compulsory membership then? It's not your intent to have compulsory membership, Senator Gaspard?"

Senator Gaspard: "Senator Rasmussen, I believe in current law that if there is a reason, for religious beliefs or whatever, you can have an exemption from belonging to the organization."

Senator Rasmussen: "Well, Mr. President, I think it is as I remember it. Does anyone here on the floor know if this requirement is compulsory or at the present time, if it's voluntary? I have had some complaints from some of the instructors. I would hope that somebody could answer that."

#### REMARKS BY SENATOR SALING

Senator Saling: "Mr. President, I believe that it does require one who teaches at a community college to either pay the dues to the association or pay the same amount of money to a charitable organization. If one does have a teaching job, they either have to do one or the other. Now, there are some who say that it is a negotiable item. I believe now it is a negotiable item, but this bill would make it mandatory."

#### REMARKS BY SENATOR PULLEN

Senator Pullen: "In answer to Senator Rasmussen's question, you will find your answer on page 3, Senator Rasmussen, of the House amendment. Page 3, subsection (6), line 16, provides for a union security provision. The provision there would be that members, employees in a bargaining unit, have to, as a condition of continuing employment on or after the thirtieth day following the beginning of such employment, must become a member of the exclusive bargaining representatives. In other words, it does not provide for an agency shop, but it actually does provide for a union shop which is a compulsory union membership as a condition of employment. So, that would be the answer to your question and the answer is, yes, it provides for a union shop provision."

Further debate ensued.

#### REMARKS BY SENATOR WARNKE

Senator Warnke: "Thank you, Mr. President and members of the Senate. First of all, Senator Rasmussen, to become an exclusive bargaining agent for a community college, a majority of the employees have to sign cards and pledge their membership to the bargaining agent in order to be recognized as a collective bargaining agent for that particular school or community college. Secondly, whatever agency shop provision that is negotiated or maintenance of membership clause that is in the contract, must be negotiated with the district and that also must be voted on by the employees, so I think to say that it is mandatory--the employees get two shots as to whether or not there is going to be union security in their contract."

#### REMARKS BY SENATOR GASPARD

Senator Gaspard: "Mr. President, members of the Senate, Senator Pullen was reading from the definition section, but he has to read further into the bill to understand this is what would be called an agency shop. If you look at page 8, beginning on line 31, it mentions that a collective bargaining agreement may include union security provisions, but not a closed shop."

#### REMARKS BY SENATOR PULLEN

Senator Pullen: "I don't think Senator Gaspard understands the difference between a closed shop, a union shop and an agency shop. In an agency shop, you don't become a member of a union, but you have to pay dues equal to the union dues. With a union shop, you have to join the union and pay those union dues. A closed shop is illegal. A closed shop is illegal under federal law, so it doesn't really make any difference to say in the bill that a closed shop is prohibited. That's already prohibited."

Further debate ensued.

Senator Vognild demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Gaspard that the Senate do concur in the House amendments to Engrossed Substitute Senate Bill No. 5225.

#### ROLL CALL

The Secretary called the roll and the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 5225 by the following vote: Yeas, 32; nays, 17.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kreidler, Lee, McDermott, McDonald, Moore, Nelson, Owen, Peterson, Rasmussen, Rinehart, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 32.

Voting nay: Senators Anderson, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Johnson, Kiskaddon, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Saling, Sellar, Zimmerman - 17.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 5225, as amended by the House.

Debate ensued.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 5225, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 26; nays, 23.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kreidler, Lee, McDermott, Moore, Owen, Peterson, Rinehart, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 26.

Voting nay: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Johnson, Kiskaddon, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Patterson, Pullen, Rasmussen, Saling, Sellar, West, Zimmerman - 23.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5225, 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 HOUSE

April 15, 1987

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5801 with the following amendments:

Strike everything after the enacting clause and insert the following:

**NEW SECTION.** Sec. 1. The legislature finds that the employment of fire fighters exposes them to smoke, fumes, and toxic or chemical substances. The legislature recognizes that fire fighters as a class have a higher rate of respiratory disease than the general public. The legislature therefore finds that respiratory disease should be presumed to be occupationally related for industrial insurance purposes for fire fighters.

The legislature also finds that fire fighters and law enforcement officers are required to respond to emergencies in a rapid manner to save lives, reduce property damage, and protect the public. As a result, these officers are often subject to extreme mental and physical stress and life-threatening circumstances during the course of their employment. The legislature therefore finds that the judicial doctrine requiring unusual exertion for compensation in heart attack injuries should be abrogated for these workers.

**NEW SECTION.** Sec. 2. (1) In the case of fire fighters as defined in RCW 41.26.030(4)(a), (b), and (c) who are covered under Title 51 RCW, there shall exist a prima facie presumption that respiratory disease is an occupational disease under RCW 51.08.140. This presumption of occupational disease may be rebutted by a preponderance of the evidence controverting the presumption. Controverting evidence may include, but is not limited to, use of tobacco products, physical fitness and weight, lifestyle, hereditary factors, and exposure from other employment or nonemployment activities.

(2) The presumption established in subsection (1) of this section shall be extended to an applicable member following termination of service for a period of three calendar months for each year of requisite service, but may not extend more than sixty months following the last date of employment.

Sec. 3. Section 51.08.100, chapter 23, Laws of 1961 and RCW 51.08.100 are each amended to read as follows:

(1) "Injury" means a sudden and tangible happening, of a traumatic nature, producing an immediate or prompt result, and occurring from without, and such physical conditions as result therefrom.

(2) In the case of fire fighters as defined in RCW 41.26.030(4)(a), (b), and (c) who are covered under Title 51 RCW, and law enforcement officers as defined in RCW 41.26.030(3) who are covered under Title 51 RCW, for the purpose of heart attacks the definition of "injury" shall be construed without regard to whether the member's exertion was usual or unusual.

NEW SECTION, Sec. 4. Sections 1 and 2 of this act are each added to chapter 51.32 RCW."

On page 1, line 1 of the title, after "insurance:" strike the remainder of the title and insert "amending RCW 51.08.100; and adding new sections to chapter 51.32 RCW."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

Senator Smitherman moved that the Senate do concur in the House amendments to Engrossed Substitute Senate Bill No. 5801.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Smitherman that the Senate do concur in the House amendments to Engrossed Substitute Senate Bill No. 5801.

The motion by Senator Smitherman carried and the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 5801.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 5801, as amended by the House.

Debate ensued.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 5801, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 30; nays, 17; absent, 2.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, McDermott, Moore, Owen, Peterson, Pullen, Rasmussen, Rinehart, Smitherman, Stratton, Talmadge, Tanner, Vogt, von Reichbauer, Warnke, West, Williams, Wojahn - 30.

Voting nay: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Lee, McCaslin, Metcalf, Nelson, Newhouse, Patterson, Saling, Zimmerman - 17.

Absent: Senators McDonald, Sellar - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5801, 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 HOUSE

April 16, 1987

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5850 with the following amendment:

On page 1, on line 9 after "the" strike "maximum", and insert "sixty-five miles per hour".

and the bill and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

Senator Tanner moved that the Senate do concur in the House amendment to Engrossed Substitute Senate Bill No. 5850.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Tanner that the Senate do concur in the House amendment to Engrossed Substitute Senate Bill No. 5850.

The motion by Senator Tanner carried and the Senate concurred in the House amendment to Engrossed Substitute Senate Bill No. 5850.

#### MOTION

On motion of Senator Bender, Senator Rinehart was excused.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 5850, as amended by the House.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 5850, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 34; nays, 14; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, Deccio, DeJarnatt, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Owen, Peterson, Rasmussen, Saling, Sellar, Smitherman, Stratton, Tanner, Vognild, von Reichbauer, Warnke, West - 34.

Voting nay: Senators Cantu, Craswell, Fleming, Garrett, Kreidler, Lee, McDermott, Moore, Patterson, Pullen, Talmadge, Williams, Wojahn, Zimmerman - 14.

Excused: Senator Rinehart - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5850, 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.

#### MOTION

At 3:45 p.m., on motion of Senator Vognild, the Senate recessed until 5:00 p.m.

#### SECOND AFTERNOON SESSION

The Senate was called to order at 5:03 p.m. by President Cherberg.

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

#### MOTION

On motion of Senator Bender, Senators Fleming, Kreidler, McDermott and Vognild were excused.

#### SECOND READING

#### CONFIRMATION OF GUBERNATORIAL APPOINTMENT

#### MOTION

On motion of Senator Gaspard, Gubernatorial Appointment No. 9075, Julie A. Johnson, as a member of the Board of Trustees for Peninsula Community College District No. 1, was confirmed.

#### APPOINTMENT OF JULIE A. JOHNSON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 41; absent, 4; excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 41.

Absent: Senators Bauer, Benitz, Lee, Tanner - 4.

Excused: Senators Fleming, Kreidler, McDermott, Vognild - 4.

#### MOTION

At 5:11 p.m. on motion of Senator Bottiger, the Senate recessed until 7:30 p.m.

#### EVENING SESSION

The Senate was called to order at 7:30 p.m. by President Pro Tempore Rasmussen.

#### MOTION

At 7:30 p.m., on motion of Senator Vognild, the Senate adjourned until 9:00 a.m., Thursday, April 23, 1987.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.



**ONE HUNDRED-SECOND DAY**

---

MORNING SESSION

---

Senate Chamber, Olympia, Thursday, April 23, 1987

The Senate was called to order at 9:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Lee, McDermott, McDonald, Owen, Patterson and Smitherman. On motion of Senator Zimmerman, Senators Lee and McDonald were excused. On motion of Senator Bauer, Senator Owen was excused.

The Sergeant at Arms Color Guard, consisting of Pages Kathleen Tarrant and Ryan Buskirk, presented the Colors. Reverend Dennis Hartsook, pastor of St. Mark Lutheran Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES  
GUBERNATORIAL APPOINTMENTS

April 22, 1987

GA 9011 DR. ROBERT SHANEWISE, appointed July 5, 1985, for a term ending July 16, 1989, as a member of the Hospital Commission, succeeding Dr. Arch Logan.  
Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Wojahn, Chairman; Stratton, Vice Chairman; Anderson, Deccio, Johnson, Kiskaddon, Kreidler, Peterson, Tanner.

Hold.

April 22, 1987

GA 9029 KATHRYN S. BAIL, appointed April 23, 1986, for a term ending April 15, 1991, as Chair of the Indeterminate Sentencing Review Board, succeeding Walter Hubbard.  
Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Wojahn, Chairman; Stratton, Vice Chairman; Anderson, Deccio, Johnson, Kiskaddon, Kreidler, Peterson, Tanner.

Hold.

April 22, 1987

GA 9035 DOUGLAS D. WALSH, appointed June 16, 1986, for a term ending April 15, 1988, as a member of the Indeterminate Sentencing Review Board, succeeding Philip R. Whitman.  
Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Wojahn, Chairman; Stratton, Vice Chairman; Anderson, Deccio, Johnson, Kiskaddon, Kreidler, Peterson, Tanner.

Hold.

April 22, 1987

GA 9041 CHASE A. RIVELAND, appointed July 16, 1986, for a term ending at the Governor's pleasure, as Secretary of the Washington State Department of Corrections.  
Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Wojahn, Chairman; Stratton, Vice Chairman; Anderson, Deccio, Johnson, Kiskaddon, Kreidler, Peterson, Tanner.

Hold.

April 22, 1987

GA 9051 JUDITH A. KLAYMAN, reappointed September 15, 1986, for a term ending July 16, 1990, as a member of the Hospital Commission.  
Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Wojahn, Chairman; Stratton, Vice Chairman; Anderson, Deccio, Johnson, Kiskaddon, Kreidler, Peterson, Tanner.

Hold.

April 22, 1987

GA 9052 JOSEPH E. HUNT, reappointed September 15, 1986, for a term ending July 16, 1990, as a member of the Hospital Commission.  
Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Wojahn, Chairman; Stratton, Vice Chairman; Anderson, Deccio, Johnson, Kiskaddon, Kreidler, Peterson, Tanner.

Hold.

April 22, 1987

GA 9071 DAVID L. CARLSON, appointed November 14, 1986, for a term ending April 15, 1987, as a member of the Indeterminate Sentencing Review Board.  
Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Wojahn, Chairman; Stratton, Vice Chairman; Anderson, Deccio, Johnson, Kiskaddon, Kreidler, Peterson, Tanner.

Hold.

April 22, 1987

GA 9096 KAYE ADKINS, appointed February 5, 1987, for a term ending April 15, 1989, as a member of the Indeterminate Sentencing Board.  
Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Wojahn, Chairman; Stratton, Vice Chairman; Anderson, Deccio, Johnson, Kiskaddon, Kreidler, Peterson, Tanner.

Hold.

April 22, 1987

GA 9102 HECTOR X. GONZALES, appointed February 4, 1987, for a term ending September 24, 1988, as a member of the Corrections Standards Board.  
Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Wojahn, Chairman; Stratton, Vice Chairman; Anderson, Deccio, Johnson, Kiskaddon, Kreidler, Peterson, Tanner.

Hold.

April 22, 1987

GA 9107 ROBERT E. TRIMBLE, appointed February 23, 1987, for a term ending April 15, 1988, as a member of the Indeterminate Sentencing Review Board.  
Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Wojahn, Chairman; Stratton, Vice Chairman; Anderson, Deccio, Johnson, Kiskaddon, Kreidler, Peterson, Tanner.

Hold.

April 22, 1987

GA 9115 LUDWIG LOBE, appointed February 23, 1987, for a term ending March 1, 1991, as a member of the Health Care Facilities Authority.  
Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Wojahn, Chairman; Stratton, Vice Chairman; Anderson, Deccio, Johnson, Kiskaddon, Kreidler, Peterson, Tanner.

Hold.

April 22, 1987

GA 9116 H. A. "BARNEY" GOLTZ, appointed March 11, 1987, for a term ending July 16, 1991, as Chair of the Hospital Commission.  
Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Wojahn, Chairman; Stratton, Vice Chairman; Anderson, Deccio, Johnson, Kiskaddon, Kreidler, Peterson, Tanner.

Hold.

#### MOTION

On motion of Senator Vognild, the rules were suspended and Gubernatorial Appointments No. 9011, 9029, 9035, 9041, 9051, 9052, 9071, 9096, 9102, 9107, 9115 and 9116 were advanced to second reading and placed on the second reading calendar.

#### MESSAGE FROM THE GOVERNOR

April 22, 1987

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on April 22, 1987, Governor Gardner approved the following Senate Bills entitled:

Substitute Senate Bill No. 5312

Relating to collective bargaining.

Second Substitute Senate Bill No. 5515

Relating to vessel dealer registration.

Sincerely,

TERRY SEBRING, Legal Counsel to the Governor

#### MESSAGES FROM THE HOUSE

April 22, 1987

Mr. President:

The House concurred in the Senate amendment(s) and passed the following bills as amended by the Senate:

ENGROSSED HOUSE BILL NO. 24,

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 164,

HOUSE BILL NO. 171,

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 221,

SUBSTITUTE HOUSE BILL NO. 226,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 373,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 498,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 499,

HOUSE BILL NO. 549,

HOUSE BILL NO. 551,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 644,

SUBSTITUTE HOUSE BILL NO. 857,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 995,

SUBSTITUTE HOUSE BILL NO. 1132,

SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4023.

SHARON L. CASE, Assistant Chief Clerk

April 22, 1987

Mr. President:

The House concurred in the Senate amendment(s) and passed the following bills as amended by the Senate:

SUBSTITUTE HOUSE BILL NO. 418,  
 SUBSTITUTE HOUSE BILL NO. 420,  
 SUBSTITUTE HOUSE BILL NO. 523,  
 SUBSTITUTE HOUSE BILL NO. 695,  
 SUBSTITUTE HOUSE BILL NO. 755,  
 SUBSTITUTE HOUSE BILL NO. 767,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 776,  
 SUBSTITUTE HOUSE BILL NO. 833,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 844,  
 HOUSE BILL NO. 856,  
 SUBSTITUTE HOUSE BILL NO. 978,  
 SUBSTITTUTE HOUSE BILL NO. 1160.

ALAN THOMPSON, Chief Clerk

April 22, 1987

Mr. President:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 5181,  
 SUBSTITUTE SENATE BILL NO. 5191,  
 SUBSTITUTE SENATE BILL NO. 5232,  
 SENATE BILL NO. 5265,  
 SUBSTITUTE SENATE BILL NO. 5274,  
 SUBSTITUTE SENATE BILL NO. 5326,  
 SUBSTITUTE SENATE BILL NO. 5392,  
 SUBSTITUTE SENATE BILL NO. 5423,  
 SENATE BILL NO. 5483,  
 SUBSTITUTE SENATE BILL NO. 5502,  
 SUBSTITUTE SENATE BILL NO. 5510,  
 SUBSTITUTE SENATE BILL NO. 5511,  
 SUBSTITUTE SENATE BILL NO. 5512,  
 SUBSTITUTE SENATE BILL NO. 5514,  
 SENATE BILL NO. 5529,  
 SUBSTITUTE SENATE BILL NO. 5530,  
 SUBSTITUTE SENATE BILL NO. 5533,  
 SUBSTITUTE SENATE BILL NO. 5606,  
 SUBSTITUTE SENATE BILL NO. 5608,  
 SUBSTITUTE SENATE BILL NO. 5650,  
 SENATE BILL NO. 5693,  
 SENATE BILL NO. 5732,  
 SENATE BILL NO. 5764,  
 SENATE BILL NO. 5863,  
 SUBSTITUTE SENATE BILL NO. 5880,  
 SENATE BILL NO. 5882,  
 SENATE BILL NO. 5948,  
 SENATE BILL NO. 5956,  
 SENATE BILL NO. 5972,  
 SENATE BILL NO. 5976,  
 SENATE BILL NO. 6003,  
 SUBSTITUTE SENATE BILL NO. 6010,  
 SUBSTITUTE SENATE BILL NO. 6013,  
 SUBSTITUTE SENATE BILL NO. 6023,  
 SUBSTITUTE SENATE BILL NO. 6048, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 22, 1987

Mr. President:

The Speaker has signed:

SENATE BILL NO. 5008.

SECOND SUBSTITUTE SENATE BILL NO. 5063,  
 SECOND SUBSTITUTE SENATE BILL NO. 5074,  
 SUBSTITUTE SENATE BILL NO. 5088,  
 SUBSTITUTE SENATE BILL NO. 5107,  
 SUBSTITUTE SENATE BILL NO. 5124,  
 SENATE BILL NO. 5129,  
 SUBSTITUTE SENATE BILL NO. 5142,  
 SENATE BILL NO. 5178,  
 SECOND SUBSTITUTE SENATE BILL NO. 5252,  
 SUBSTITUTE SENATE BILL NO. 5253,  
 SUBSTITUTE SENATE BILL NO. 5405,  
 SUBSTITUTE SENATE BILL NO. 5456,  
 SUBSTITUTE SENATE BILL NO. 5464,  
 SUBSTITUTE SENATE BILL NO. 5604,  
 SECOND SUBSTITUTE SENATE BILL NO. 5659,  
 SENATE BILL NO. 5747,  
 SUBSTITUTE SENATE BILL NO. 5857,  
 SECOND SUBSTITUTE SENATE BILL NO. 5986,  
 SENATE CONCURRENT RESOLUTION NO. 8404, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 22, 1987

Mr. President:

The House concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 1156, and passed the bill as amended by the Senate.

SHARON L. CASE, Assistant Chief Clerk

April 22, 1987

Mr. President:

The Speaker has signed:

SECOND SUBSTITUTE HOUSE BILL NO. 16,  
 SUBSTITUTE HOUSE BILL NO. 48,  
 SUBSTITUTE HOUSE BILL NO. 56,  
 SUBSTITUTE HOUSE BILL NO. 99,  
 SUBSTITUTE HOUSE BILL NO. 217,  
 SUBSTITUTE HOUSE BILL NO. 244,  
 HOUSE BILL NO. 310,  
 SUBSTITUTE HOUSE BILL NO. 324,  
 SUBSTITUTE HOUSE BILL NO. 425,  
 SUBSTITUTE HOUSE BILL NO. 430,  
 HOUSE BILL NO. 959, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MESSAGE FROM THE HOUSE

April 17, 1987

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 5393 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".

and the same are herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

#### MOTION

On motion of Senator Vognild, the Senate concurred in the House amendments to Substitute Senate Bill No. 5393.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5393, as amended by the House.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5393, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; absent, 3; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, Metcalf, Moore, Nelson, Newhouse, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 43.

Absent: Senators McDermott, Patterson, Smitherman - 3.

Excused: Senators Lee, McDonald, Owen - 3.

SUBSTITUTE SENATE BILL NO. 5393, 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 HOUSE

April 16, 1987

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5570 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 finds:

(1) Solid wastes generated in the state are to be managed in the following order of descending priority: (a) Waste reduction; (b) recycling; (c) treatment; (d) energy recovery or incineration; (e) solidification/stabilization; and (f) landfill.

(2) Special incinerator ash residues from the incineration of municipal solid waste that would otherwise be regulated as hazardous wastes need a separate regulatory scheme in order to (a) ease the permitting and reporting requirements of chapter 70.105 RCW, the state hazardous waste management act, and (b) supplement the environmental protection provisions of chapter 70.95 RCW, the state solid waste management act.

(3) Raw garbage poses significant environmental and public health risks. Municipal solid waste incineration constitutes a higher waste management priority than the land disposal of untreated municipal solid waste due to its reduction of waste volumes and environmental health risks.

It is therefore the purpose of this chapter to establish management requirements for special incinerator ash that otherwise would be regulated as hazardous waste under chapter 70.105 RCW, the hazardous waste management act.

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 ecology.

(2) "Director" means the director of the department of ecology or the director's designee.

(3) "Dispose" or "disposal" means the treatment, utilization, processing, or final deposit of special incineration ash.

(4) "Generate" means any act or process which produces special incinerator ash or which first causes special incinerator ash to become subject to regulation.

(5) "Management" means the handling, storage, collection, transportation, and disposal of special incinerator ash.

(6) "Person" means any person, firm, association, county, public or municipal or private corporation, agency, or other entity whatsoever.

(7) "Facility" means all structures, other appurtenances, improvements, and land used for recycling, storing, treating, or disposing of special incinerator ash.

(8) "Special incinerator ash" means ash residues resulting from the operation of incinerator or energy recovery facilities managing municipal solid waste, including solid waste from residential, commercial, and industrial establishments, if the ash residues (a) would otherwise be regulated as hazardous wastes under chapter 70.105 RCW; and (b) are not regulated as a hazardous waste under the federal resource conservation and recovery act, 42 U.S.C. Sec. 6901 et seq.

**NEW SECTION.** Sec. 3. (1) Prior to managing special incinerator ash, persons who generate special incinerator ash shall develop plans for managing the special incinerator ash. These plans shall:

(a) Identify procedures for all aspects relating to the management of the special incinerator ash that are necessary to protect employees, human health, and the environment;

(b) Identify alternatives for managing solid waste prior to incineration for the purpose of (i) reducing the toxicity of the special incinerator ash; and (ii) reducing the quantity of the special incinerator ash;

(c) Establish a process for submittal of an annual report to the department disclosing the results of a testing program to identify the toxic properties of the special incinerator ash as necessary to ensure that the procedures established in the plans submitted pursuant to this chapter are adequate to protect employees, human health, and the environment; and

(d) Comply with the rules established by the department in accordance with this section.

(2) Prior to managing any special incinerator ash, any person required to develop a plan pursuant to subsection (1) of this section shall submit the plan to the department for review and approval. Prior to approving a plan, the department shall find that the plan complies with the provisions of this chapter, including any rules adopted under this chapter. Approval may be conditioned upon additional requirements necessary to protect employees, human health, and the environment, including special management requirements, waste segregation, or treatment techniques such as neutralization, detoxification, and solidification/stabilization.

(3) The department shall give notice of receipt of a proposed plan to interested persons and the public and shall accept public comment for a minimum of thirty days. The department shall approve, approve with conditions, or reject the plan submitted pursuant to this section within ninety days of submittal.

(4) Prior to accepting any special incinerator ash for disposal, persons owning or operating facilities for the disposal of the incinerator ash shall apply to the department for a permit. The department shall issue a permit if the disposal will provide adequate protection of human health and the environment. Prior to issuance of any permit, the department shall find that the facility meets the requirements of chapter 70.95 RCW and any rules adopted under this chapter. The department may place conditions on the permit to include additional requirements necessary to protect employees, human health, and the environment, including special management requirements, waste segregation, or treatment techniques such as neutralization, detoxification, and solidification/stabilization.

(5) The department shall give notice of its receipt of a permit application to interested persons and the public and shall accept public comment for a minimum of thirty days. The department shall issue, issue with conditions, or deny the permit within ninety days of submittal.

(6) The department shall adopt rules to implement the provisions of this chapter. The rules shall (a) establish minimum requirements for the management of special incinerator ash as necessary to protect employees, human health, and the environment, (b) clearly define the elements of the plans required by this chapter, and (c) require special incinerator ash to be disposed at facilities that are operating in compliance with this chapter.

**NEW SECTION.** Sec. 4. (1) Any person who violates any provision of a department regulation or regulatory order relating to the management of special incinerator ash shall incur in addition to any other penalty provided by law, a penalty in an amount up to ten thousand dollars a day for every such violation. Each and every such violation shall be a separate and distinct offense. If 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 shall have authority to ascertain the facts regarding all such applications in such reasonable manner and under such rules as it may deem proper.

(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.

(4) If the amount of any penalty is not paid to the department 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 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 provided in this chapter.

NEW SECTION, Sec. 5. Whenever a person violates any provision of this chapter or any permit or regulation the department may issue an order appropriate under the circumstances to assure compliance with the chapter, permit, or regulation. Such an order must be served personally or by registered mail upon any person to whom it is directed.

NEW SECTION, Sec. 6. The department, with the assistance of the attorney general, may bring any appropriate action at law or in equity, including action for injunctive relief as may be necessary to enforce the provisions of this chapter or any permit or regulation issued thereunder.

NEW SECTION, Sec. 7. Any person found guilty of wilfully violating, without sufficient cause, any of the provisions of this chapter, or permit or order issued pursuant to this chapter is guilty of a gross misdemeanor and upon conviction shall be punished by a fine of up to ten thousand dollars and costs of prosecution, or by imprisonment for up to one year, or by both. Each day of violation may be deemed a separate violation.

NEW SECTION, Sec. 8. Any person aggrieved by an action taken under this chapter, or the failure of another to take an action under this chapter when required to do so, may bring an appropriate action in law or equity to the pollution control hearings board pursuant to the provisions of chapter 43.21B RCW, except that such action shall be expedited by the board to the maximum extent possible. In any appeal of the board's decision, the court may award reasonable costs and attorneys' fees to the prevailing party.

NEW SECTION, Sec. 9. A new section is added to chapter 70.105 RCW to read as follows:

This chapter does not apply to special incinerator ash regulated under chapter 70.— (sections 1 through 8, 11, and 12 of this act) except that, for purposes of RCW 4.22.070(3)(a), special incinerator ash shall be considered hazardous waste.

NEW SECTION, Sec. 10. The department shall submit draft rules required by section 3 of this act to the appropriate standing committees of the legislature for review by January 1, 1988. Final rules shall be adopted by April 1, 1988.

NEW SECTION, Sec. 11. This chapter shall be known as the special incinerator ash disposal act.

NEW SECTION, Sec. 12. Sections 1 through 10 of this act shall not apply to municipal solid waste incinerators that are in operation on the effective date of this section until a special incinerator waste disposal permit is issued in the county where the municipal solid waste incinerator is located, or July 1, 1989, whichever is sooner.

NEW SECTION, Sec. 13. Sections 1 through 8, 11, and 12 of this act shall constitute a new chapter in Title 70 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.

On page 1, line 1 of the title, after "residues"; strike the remainder of the title and insert "adding a new section to chapter 70.105 RCW; adding a new chapter to Title 70 RCW; creating new sections; prescribing penalties; and declaring an emergency."

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..

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

Senator Kreidler moved that the Senate do concur in the House amendments to Engrossed Substitute Senate Bill No. 5570.

Debate ensued.

#### MOTION

On motion of Senator Bender, Senator Tanner was excused.

#### POINT OF INQUIRY

Senator Talmadge: "Senator Kreidler, several years ago we established a list of priorities or a set of priorities for the handling of waste--landfills, recycling, that kind of thing. Does this bill in any way, shape or form, alter the priority list for dealing with waste, as the Legislature established it several years ago?"

Senator Kreidler: "Senator Talmadge, I know of your interest in that particular priority scheme, because I believe it was an amendment of yours that established that several years ago where waste reduction--recycling--would precede incineration. No, this bill in no way will infringe on that waste priority scheme."

#### POINT OF INQUIRY

Senator Barr: "Senator Bluechel, you referred to all of the people involved and I assume that included the Spokane people who are first on line for an activity of this sort. Did this have their concurrence also?"

Senator Bluechel: "Senator Barr, I did not hear directly from the Spokane people, but they were aware of the problem. I think there was no one who wasn't aware of the problem and they did work, to my knowledge--all of the involved people--and I can't say whether it was Spokane or not--worked extensively with the House to develop the draft that we have before us."

Senator Barr: "Senator Bluechel, you said that they rewrote the bill and you said they concurred. Would you care to explain just a little bit to us, seeing how we don't know for sure if the Spokane people were involved, of the changes--how it would affect the disposition of that ash?"

Senator Bluechel: "In essence, the bill that left the Senate was very clean and straight forward and had limited--let's call it interference from the Department of Ecology. Under the revised bill, the Department of Ecology is empowered to do considerably more regulation of the disposal of the ash than they would have been able to do under the bill as it passed the Senate."

#### POINT OF INQUIRY

Senator Pullen: "Senator Bluechel, I hope the residents and the groups concerned about Cedar Hills were also consulted on the new draft. Were the Cedar Hills' activists in anyway consulted on this?"

Senator Bluechel: "Senator Pullen, I can't answer that question, but I would say that the Cedar Hills' activists would be more pleased with the House version which we are about to pass, than the Senate version which originally passed."

#### POINT OF INQUIRY

Senator Saling: "Senator Kreidler, in looking at one of the comments in our green sheet here it says, 'provides incinerator ash with an exemption under the Tort Reform Act to allow the imposition of joint and several liability.' Would you explain to me what that amendment would do?"

Senator Kreidler: "It's actually duplicative, because the bill that we passed last year dealing with tort reform, exempted hazardous and solid waste from the Tort Reform Act from the standpoint of joint and several. This just reiterates that as it would apply to a separate chapter now established for special waste. In other words, you have a situation now where solid waste, which would be your regular garbage, and hazardous waste, which would be your more dangerous types of waste, would be exempted from joint and several. That was specifically addressed in the tort reform bill. This just says for this new chapter, that would be established for special waste and that same exemption would apply, so you essentially don't allow it to be removed from joint and several."

Senator Saling: "In other words, if the Spokane incinerator, when it's going and the Department of Ecology tests the ash and decides it is hazardous, the city would be exempt from the joint and several liability laws?"

Senator Kreidler: "No, it would be the opposite. They would still be under it."

Senator Saling: "They would still be liable?"

Senator Kreidler: "Yes, that's right."

Further debate ensued.

#### POINT OF INQUIRY

Senator McCaslin: "Senator Bottiger, we've been told that the fly ash is extremely hazardous and the bottom ash is hazardous. Now, if they are taken out of the joint and several liability under the Tort Reform Act, how many people would that involve if there was a lawsuit from say, cancer victims or something like that from it—the incineration process?"

Senator Bottiger: "Senator, you start with a presumption which I do not agree with. The people who have talked to me and the ones who have the education and the background to cause me to believe them, I can't say that people haven't told me that this stuff is hazardous, but the ones that seem to know what they are talking about have clearly said the bottom ash is not hazardous. It would be a very good material to use in concrete roads. It's very adhesive and it compacts. The fly ash may or may not be and there is a big dispute as to whether it is hazardous. You will find some experts who will tell you that it depends on how hot the furnace was that created the fly ash as to whether or not it's hazardous. The incinerator could be operated in such a way to create a fly ash that is hazardous, but hopefully they won't do that.

"Now, as I understand it, if an incinerator deposited its fly ash in a single repository and nobody else contributed, they and they alone would be liable if it turned out that the fly ash was hazardous. If they went together and pooled and created one repository for the fly ash, which I think is probably what will happen, then all of the people who put it in are jointly and severally liable if we, the tax payers, have to come back later and clean it up."

Further debate ensued.

#### POINT OF INQUIRY

Senator Rasmussen: "Senator Lee, is there anything that prohibits incineration at the present time over there in King County?"

Senator Lee: "No, there is nothing that prohibits incineration. One of the interesting things about this, Senator Rasmussen, is that when I first moved to King County in about 1953, my father-in-law and Phyllis Lamphere, whom some of you know, were members of a committee that was appointed by the then Mayor, Dorm Braman, to study what should be done about garbage. That was before they opened these two landfills out in my district and they recommended, at that point

in time, that it be incinerated--that an incinerator be built--but they turned it down because it was cheaper to take and dump it. It would have cost them a little more to build that incinerator. Well, of course, now they are rueing the day that they didn't pay attention to their experts. I think it's about time we do pay attention to the experts."

Senator Rasmussen: "Can I ask a further question? In the event you do build an incineration plant and in the event it is proved that the ash from that plant is all right to dump where ever you want to, we don't need this law."

Senator Lee: "The reason for the need for the law, in my opinion, is that at the present time we do not have any state regulations for how that fly ash shall be handled and I do think we need some close control over what happens to that ash, where it's put, monitoring and so on. We didn't do that kind of monitoring of our landfills and we certainly should do it for the concentrated material that is left from the incineration."

Senator Rasmussen: "From my service on the Puget Sound Air Pollution Control, I thought that they had the control of the fly ash and the particulars submitted and that the Department of Ecology had the control of toxic waste if it's going to be taken from one county to another. They can do that now. Can they not?"

Senator Lee: "If you are going to hold it within the county and particularly, when taking it across county lines, it presently only takes an inter-local agreement to do it. Let me direct the issue of fly ash. Fly ash, at the present time, because we don't want it to go into the air, is collected in scrubbers and various kinds of mechanical devices and something has to be done with it. In addition of course, even at very high temperatures and high rates of burning, there is some residue ash that is left and we do need to do something with that, that is safe. So, no matter which county you live in, which town you might move to, you know that it's being monitored and that we have a state law in place that says that it shall be monitored and be handled safely. We don't have that law in at this point in time."

Senator Rasmussen: "Well, the general pollution control laws would control that, I would think."

Senator Lee: "Not the specifics as far as monitoring is concerned. The controls, at the present time, only take effect after a problem comes about, but they don't have the kind of control that we need to prevent the problem from happening."

Senator Rasmussen: "Well, I am pretty sure that the Department of Ecology has to issue a permit for dumping what ever it is."

Senator Lee: "They have the ability to issue the permit, or not issue the permit, but they don't have the monitoring ability that I think they need."

The President declared the question before the Senate to be the motion by Senator Kreidler that the Senate do concur in the House amendments to Engrossed Substitute Senate Bill No. 5570.

The motion by Senator Kreidler carried and the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 5570.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 5570, as amended by the House.

#### POINT OF INQUIRY

Senator Bluechel: "Senator Bottiger, as a sponsor of the bill would you clarify where the ash residues from waste-to-energy facilities would be disposed of under the provisions of this bill?"

Senator Bottiger: "Ash residues determined to be hazardous under federal standards would have to go to an approved hazardous waste site. Incidentally, those are currently in Oregon and will be full in three years. Then it would be Texas or Illinois. Otherwise, the ash residues would be disposed of in local landfills meeting the strict environmental requirements of the new minimum functional standards which include the use of liners, leachate collection, and underground water monitoring. However, the Department of Ecology would have the authority to impose additional requirements for disposal of ash in such landfills if it is necessary to protect human health or the environment."

Senator Bluechel: "Would fly ash and bottom ash be required to be handled separately?"

Senator Bottiger: "The legislation provides flexibility to handle the various ash products together, which is the current EPA approved and preferred method. However, the Department of Ecology would have the authority to restrict this practice if it were found necessary to protect human health or the environment."

Senator Bluechel: "Is it the intent of the Legislature that the recycling study called for in this bill shall set the parameters for rules and regulations on how to jointly meet the state's priorities for recycling, waste reduction and waste incineration?"

Senator Bottiger: "Yes, that is our intent that the Joint Select Committee created in this bill shall thoroughly study the questions of recycling methods, markets and techniques. Additionally, they are to look at the technical and policy issues surrounding waste reduction methods, other than recycling, and the questions relating to recycling and waste incineration. The Department of Ecology shall provide technical assistance to the Joint Select Committee and subsequently promulgate rules and regulations on the relationship of incineration and recycling based on the findings and recommendations contained in the Joint Select Committee's final report to the Legislature."

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 5570, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 32; nays, 15; absent, 1; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, Metcalf, Moore, Peterson, Pullen, Smitherman, Stratton, Vogt, von Reichbauer, Warnke, Wojahn - 32.

Voting nay: Senators Benitz, Deccio, Garrett, McCaslin, Nelson, Newhouse, Owen, Patterson, Rasmussen, Rinehart, Saling, Talmadge, West, Williams, Zimmerman - 15.

Absent: Senator Sellar - 1.

Excused: Senator Tanner - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5570, 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 HOUSE

April 16, 1987

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6064 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".

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

On motion of Senator Smitherman, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 6064.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 6064, as amended by the House.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 6064, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 36; nays, 11; absent, 1; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Moore, Nelson, Newhouse, Owen, Peterson, Rinehart, Sellar, Smitherman, Stratton, Talmadge, von Reichbauer, Warnke, Williams, Wojahn - 36.

Voting nay: Senators Craswell, McCaslin, McDermott, Metcalf, Patterson, Pullen, Rasmussen, Saling, Vognilid, West, Zimmerman - 11.

Absent: Senator McDonald - 1.

Excused: Senator Tanner - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6064, 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 HOUSE

April 14, 1987

Mr. President:

The House has passed SENATE BILL NO. 5380 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."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

On motion of Senator Gaspard, the Senate refused to concur in the House amendments to Senate Bill No. 5380 and asks the House for a conference thereon.

#### APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Senate Bill No. 5380 and the House amendments thereto: Senators McDermott, Bailey and Gaspard.

#### MOTION

On motion of Senator Vognild, the Conference Committee appointments were confirmed.

#### MESSAGE FROM THE HOUSE

April 21, 1987

Mr. President:

The House refuses to recede from its amendment to SUBSTITUTE SENATE BILL NO. 5249 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Crane, Heavey and Padden.

SHARON L. CASE, Assistant Chief Clerk

#### MOTION

On motion of Senator Vognild, the request of the House for a conference on Substitute Senate Bill No. 5249 and the House amendment thereto was granted.

#### APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute Senate Bill No. 5249 and the House amendment thereto: Senators Talmadge, Nelson and Moore.

#### MOTION

On motion of Senator Vognild, the Conference Committee appointments were confirmed.

#### MESSAGE FROM THE HOUSE

April 21, 1987

Mr. President:

The House refuses to concur in the Senate amendments to ENGROSSED HOUSE BILL NO. 435 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Wang, Cole and Patrick.

ALAN THOMPSON, Chief Clerk

#### MOTION

On motion of Senator Vognild, the request of the House for a conference on Engrossed House Bill No. 435 and the Senate amendments thereto was granted.

#### APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed House Bill No. 435 and the Senate amendments thereto: Senators Warnke, McCaslin and Tanner.

## MOTION

On motion of Senator Vognild, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

April 21, 1987

Mr. President:

The House refuses to concur in the Senate amendments to HOUSE BILL NO. 698 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Haugen, Nutley and L. Smith.

SHARON L. CASE, Assistant Chief Clerk

## MOTION

On motion of Senator Vognild, the request of the House for a conference on House Bill No. 698 and the Senate amendments thereto was granted.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on House Bill No. 698 and the Senate amendments thereto: Senators Halsan, Zimmerman and DeJarnatt.

## MOTION

On motion of Senator Vognild, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

April 21, 1987

Mr. President:

The House refuses to concur in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 738 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives H. Sommers, Peery and Hankins.

SHARON L. CASE, Assistant Chief Clerk

## MOTION

On motion of Senator Vognild, the request of the House for a conference on Substitute House Bill No. 738 and the Senate amendment thereto was granted.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute House Bill No. 738 and the Senate amendment thereto: Senators Wojahn, Anderson and Kreidler.

## MOTION

On motion of Senator Vognild, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

April 21, 1987

Mr. President:

The House refuses to concur in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 782 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Fisher, Fisch and Sanders.

SHARON L. CASE, Assistant Chief Clerk

## MOTION

On motion of Senator Vognild, the request of the House for a conference on Substitute House Bill No. 782 and the Senate amendments thereto was granted.



## APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute House Bill No. 782 and the Senate amendments thereto: Senators Bottiger, Pullen and Fleming.

## MOTION

On motion of Senator Vognild, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

April 21, 1987

Mr. President:

The House refuses to concur in the Senate amendment to ENGROSSED HOUSE BILL NO. 1034 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Walk, Fisher and Schmidt.

SHARON L. CASE, Assistant Chief Clerk

## MOTION

On motion of Senator Vognild, the request of the House for a conference on Engrossed House Bill No. 1034 and the Senate amendment thereto was granted.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed House Bill No. 1034 and the Senate amendment thereto: Senators Hansen, Barr and Bender.

## MOTION

On motion of Senator Vognild, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

April 21, 1987

Mr. President:

The House refuses to concur in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1035 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Walk, Fisher and Schmidt.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Vognild, the request of the House for a conference on Engrossed Substitute House Bill No. 1035 and the Senate amendment thereto was granted.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute House Bill No. 1035 and the Senate amendment thereto: Senators Hansen, Barr and Bender.

## MOTION

On motion of Senator Vognild, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

April 20, 1987

Mr. President:

The House refuses to concur in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 63 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Haugen, Unsoeld and Bumgarner.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Vognild, the Senate insists on its position on the amendments to Substitute House Bill No. 63, refuses to grant the request for a conference and once again asks the House to concur therein.

## MESSAGE FROM THE HOUSE

April 22, 1987

Mr. President:

The House has adopted the Report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 5024 and has granted said committee the powers Free Conference, and the report of the Conference Committee is herewith transmitted.

ALAN THOMPSON, Chief Clerk

## REPORT OF CONFERENCE COMMITTEE

RE: ESSB 5024

Requiring advertising by contractors to carry the contractor's registration number.

April 22, 1987

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom the above measure was referred, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the measure as follows:

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.

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. 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) 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."

On page 1, line 1, after "contractors;" strike the remainder of the title, and insert "amending RCW 18.27.020, 18.27.030, 18.27.100, and 18.27.040; and adding new sections to chapter 18.27 RCW."

Signed by: Senators Warnke, Smitherman, Bluechel; Representatives Wang, Cole, Patrick.

#### MOTION

On motion of Senator Vognild, the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 5024 was adopted and the committee was granted the powers of Free Conference.

#### REPORT OF CONFERENCE COMMITTEE

RE: SHB 734

Revising provisions regulating minor access to erotic materials.

April 21, 1987

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom the above measure was referred, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the measure as follows:

The Senate Judiciary Committee striking amendment be adopted;

The amendment be further amended as follows, and the bill do pass as amended by the Conference Committee:

On page 1 of the Senate Judiciary Committee amendment, beginning on line 13, strike "any sexually explicit conduct as defined in RCW 9.68A.011" and insert "live performance:

(a) Which the average person, applying contemporary community standards, would find, when considered as a whole, appeals to the prurient interest of minors; and

(b) Which explicitly depicts or describes patently offensive representations or descriptions of sexually explicit conduct as defined in RCW 9.68A.011; and

(c) Which, when considered as a whole, and in the context in which it is used, lacks serious literary, artistic, political, or scientific value for minors"

Signed by: Senators Talmadge, McCaslin, Vognild; Representatives Armstrong, Scott, Padden.

#### MOTION

On motion of Senator Vognild, the Report of the Conference Committee on Substitute House Bill No. 734 was adopted and the committee was granted the powers of Free Conference.

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

#### MOTION

Senator Bottiger moved that the Senate now consider Engrossed Substitute House Bill No. 527, and the pending Committee on Ways and Means amendment, as amended, deferred on reconsideration April 21, 1987.

#### MOTION

Senator McDermott moved that the Committee on Ways and Means amendment, as amended, on reconsideration, not be adopted.

Senator Newhouse requested time to caucus to consider the motion by Senator McDermott to not adopt the Committee on Ways and Means amendment, as amended, on reconsideration.

Debate ensued.

Senator Newhouse demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the request of Senator Newhouse to request time to caucus.

#### ROLL CALL

The Secretary called the roll and the request of Senator Newhouse carried by the following vote: Yeas, 23; nays, 21; absent, 4; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Craswell, Deccio, Hayner, Johnson, Kiskaddon, Lee, McCaslin, Metcalf, Nelson, Newhouse, Patterson, Pullen, Rasmussen, Saling, Sellar, von Reichbauer, West, Zimmerman - 23.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kreidler, McDermott, Moore, Peterson, Rinehart, Smitherman, Talmadge, Vognild, Warnke, Williams, Wojahn - 21.

Absent: Senators Cantu, McDonald, Owen, Stratton - 4.

Excused: Senator Tanner - 1.

At 10:18 a.m., the President declared the Senate to be at ease.

The Senate was called to order at 11:07 a.m. by President Pro Tempore Rasmussen.

#### MOTION

At 11:07 a.m., on motion of Senator Vognild, the Senate recessed until 1:30 p.m.

#### AFTERNOON SESSION

The Senate was called to order at 1:30 p.m. by President Cherberg.

#### SECOND READING

#### CONFIRMATION OF GUBERNATORIAL APPOINTMENT

#### MOTION

On motion of Senator Vognild, Gubernatorial Appointment No. 9047, Louis O. Stewart, as a member of the Marine Employees Commission, was confirmed.

#### APPOINTMENT OF LOUIS O. STEWART

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 43; absent, 6.

Voting yea: Senators Anderson, Bailey, Barr, Bender, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler,

Lee, McCaslin, McDermott, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 43.

Absent: Senators Bauer, Benitz, Bluechel, Decchio, Moore, Rasmussen - 6.

SIGNED BY THE PRESIDENT

The President signed:

SECOND SUBSTITUTE HOUSE BILL NO. 16,  
 SUBSTITUTE HOUSE BILL NO. 48,  
 SUBSTITUTE HOUSE BILL NO. 56,  
 SUBSTITUTE HOUSE BILL NO. 99,  
 SUBSTITUTE HOUSE BILL NO. 217,  
 SUBSTITUTE HOUSE BILL NO. 244,  
 HOUSE BILL NO. 310,  
 SUBSTITUTE HOUSE BILL NO. 324,  
 SUBSTITUTE HOUSE BILL NO. 425,  
 SUBSTITUTE HOUSE BILL NO. 430,  
 HOUSE BILL NO. 959.

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 5217,  
 SUBSTITUTE SENATE BILL NO. 5219,  
 SUBSTITUTE SENATE BILL NO. 5225,  
 SUBSTITUTE SENATE BILL NO. 5801,  
 SUBSTITUTE SENATE BILL NO. 5850.

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

MESSAGE FROM THE HOUSE

April 21, 1987

Mr. President:

The House has adopted the Report of the Free Conference Committee on SUBSTITUTE SENATE BILL NO. 5061 and has passed the bill as amended by the Free Conference Committee and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

RE: SSB 5061

Establishing failure to comply with traffic laws as a gross misdemeanor.

April 20, 1987

Mr. President:

Mr. Speaker:

We of your Free Conference Committee have had the above under consideration and we recommend that the measure be amended as proposed under the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on Substitute Senate Bill No. 5061 read in on April 21, 1987)

Signed by: Senators Talmadge, Nelson, Moore; Representatives Walk, Spanel, Padden.

MOTION

On motion of Senator Talmadge, the Report of the Free Conference Committee on Substitute Senate Bill No. 5061 was adopted.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5061, as amended by the Free Conference Committee.

## ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5061, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 46; absent, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Smitherman, Stratton, Talmadge, Tanner, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 46.

Absent: Senators Craswell, Moore, Sellar - 3.

SUBSTITUTE SENATE BILL NO. 5061, as amended by the Free Conference Committee, having received the 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 HOUSE

April 22, 1987

Mr. President:

The House has adopted the Report of the Conference Committee on SUBSTITUTE HOUSE BILL NO. 353 and has granted said committee the powers of Free Conference. The Report of the Free Conference Committee is herewith transmitted.

ALAN THOMPSON, Chief Clerk

## REPORT OF FREE CONFERENCE COMMITTEE

RE: SHB 353

Modifying provisions relating to the department of agriculture.

April 20, 1987

Mr. President:

Mr. Speaker:

We of your Free Conference Committee have had the above under consideration and we recommend that the measure be amended as proposed under the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on Substitute House Bill No. 353 read in on April 21, 1987)

Signed by: Senators Hansen, Barr, Bauer; Representatives Rayburn, Grant, Nealey.

## MOTION

On motion of Senator Hansen, the Report of the Free Conference Committee on Substitute House Bill No. 353 was adopted.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 353, as amended by the Free Conference Committee.

## ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 353, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 48; absent, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Absent: Senator Moore - 1.

SUBSTITUTE HOUSE BILL NO. 353, as amended by the Free Conference Committee, having received the 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 INQUIRY

Senator Rasmussen: "Senator Bottiger, what is that card you are waving around and how do you know who put it out? I thought Kneeland and Dotzauer put that out?"

Senator Bottiger: "I went down and checked with the Public Disclosure Commission. This is a citizens group. Everything was paid for with private money. Not with taxpayers money."

Senator Rasmussen: "Kneeland and Dotzauer are not scoring on that?"

Senator Bottiger: "Senator, that you will have to wait and judge in the long term."

Senator Rasmussen: "I just wondered about those contingency fees."

## POINT OF ORDER

Senator Newhouse: "Mr. President, I was just wondering what issue was being addressed by all of the speakers. I don't see believe anything is before us."

## REPLY BY THE PRESIDENT

President Cherberg: "Your point is well taken."

## MESSAGE FROM THE HOUSE

April 22, 1987

Mr. President:

The House has adopted the Report of the Conference Committee on SUBSTITUTE HOUSE BILL NO. 902 and has granted said committee the powers of Free Conference. The Report of the Free Conference Committee on Substitute House Bill No. 902 is herewith transmitted.

ALAN THOMPSON, Chief Clerk

## REPORT OF FREE CONFERENCE COMMITTEE

RE: SHB 902

Exempting city and town fire and police chiefs from civil service provisions.

April 21, 1987

Mr. President:

Mr. Speaker:

We of your Free Conference Committee have had the above under consideration and we recommend that the measure be amended as proposed under the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on Substitute House Bill No. 902 read in on April 21, 1987)

Signed by: Senators Halsan, Zimmerman, Garrett; Representatives Haugen, Cooper, Smith.

## MOTION

On motion of Senator Halsan, the Report of the Free Conference Committee on Substitute House Bill No. 902 was adopted.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 902, as amended by the Free Conference Committee.

## ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 902, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.



SUBSTITUTE HOUSE BILL NO. 902, as amended by the Free Conference Committee, having received the 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 HOUSE

April 22, 1987

Mr. President:

The House has adopted the Report of the Conference Committee on HOUSE BILL NO. 1049 and has granted said committee the powers of Free Conference. The Report of the Free Conference Committee is herewith transmitted.

## REPORT OF FREE CONFERENCE COMMITTEE

RE: HB 1049

Authorizing either breath or blood tests for alcoholic content.

April 20, 1987

Mr. President:

Mr. Speaker:

We of your Free Conference Committee have had the above under consideration and we recommend that the measure be amended as proposed under the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on House Bill No. 1049 read in on April 21, 1987)

Signed by: Senators Vognild, Newhouse, Talmadge; Representatives Armstrong, Heavey, Padden.

## MOTION

On motion of Senator Talmadge, the Report of the Free Conference Committee on House Bill No. 1049 was adopted.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 1049, as amended by the Free Conference Committee.

## ROLL CALL

The Secretary called the roll on final passage of House Bill No. 1049, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

HOUSE BILL NO. 1049, as amended by the Free Conference Committee, having received the 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 President advanced the Senate to the sixth order of business.

## SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 611, by Committee on Ways and Means (originally sponsored by Representatives Scott, S. Wilson, P. King, Hankins, Zellinsky, Allen, R. King, Day, Haugen, May, Hargrove, Cantwell, J. Williams, Sprengle, Jesernig and Miller)

Providing funds to offset the impact of the Navy home port in Everett.

The bill was read the second time.

## POINT OF ORDER

Senator Talmadge: "A point of order, Mr. President. Engrossed Substitute House Bill No. 611 is a bill that I do not believe pertains to the issues that are within the ambient of the cut-off by the House and the Senate. The question that I have, Mr.

President, is Engrossed Substitute House Bill No. 611 still within the parameters of the cut-off resolution which says it must deal with matters pertaining to the budget? I don't believe Engrossed Substitute House Bill No. 611 is referenced in any of the various versions of the budget now pending before the Legislature."

Further debate ensued.

#### MOTION

On motion of Senator Vognild, further consideration of Engrossed Substitute House Bill No. 611 was deferred.

#### SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 758, by Committee on Ways and Means (originally sponsored 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.

#### POINT OF ORDER

Senator Rasmussen: "Mr. President, I would like to raise the question as to whether Engrossed Substitute House Bill No. 758 is properly before the Senate at this time. The reason being that, in the old days we used to hook a little appropriation on to all the bills and that kept them alive beyond the cut-off date. This bill, of course, has been in existence for a long time and it could have been passed prior to the cut-off. Now, the fact that it includes \$8,000,000 instead of \$800,000 or \$80 would have no bearing on it. It's a bill that should not be here at the cut-off, because we have the budget bill which takes care of budget-related issues. Somebody has put an appropriation on here to make it seem like it's alive. Would the President rule on that—whether it matters if it is \$8, \$80 or \$8,000,000 as far as keeping the bill alive?"

#### REPLY BY THE PRESIDENT

President Cherberg: "The bill must implement the budget, Senator. The President will have to take this under consideration."

#### MOTION

On motion of Senator Rasmussen, further consideration of Engrossed Second Substitute House Bill No. 758 was deferred.

#### MOTION

On motion of Senator Vognild, the Senate resume consideration of Engrossed Substitute House Bill No. 527 and the pending motion by Senator McDermott that the Senate do not adopt the Committee on Ways and Means amendment, as amended, on reconsideration, deferred earlier today.

#### POINT OF ORDER

Senator Newhouse: "Mr. President, a point of order. My point of order is that I believe there is an amendment on the desk that must be considered before we vote on final disposition of the bill."

#### REPLY BY THE PRESIDENT

President Cherberg: "There is an amendment on the desk, Senator."

#### MOTION

At 2:08 p.m. on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 3:40 p.m. by President Cherberg.

SECOND READING  
 CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Rinehart, Gubernatorial Appointment No. 9076, Kay M. Boyd, as a member of the Board of Trustees for The Evergreen State College, was confirmed.

APPOINTMENT OF KAY M. BOYD

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; absent, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Melcalf, Moore, Nelson, Newhouse, Owen, Patterson, Pullen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 45.

Absent: Senators Benitz, Conner, Peterson, Rasmussen - 4.

There being no objection, the Senate resumed consideration of Engrossed Substitute House Bill No. 527 and the pending Committee on Ways and Means amendment, as amended, on reconsideration, deferred earlier today.

MOTION

Senator Owen moved that the following amendment by Senators Owen, McDonald, Stratton and Cantu to the Committee on Ways and Means amendment, be adopted:

On page 1, strike everything after line 4 of the committee amendment and insert the following:

**"NEW SECTION.** Sec. 1. (1) A budget is hereby adopted and, subject to the provisions set forth in the following sections, the several amounts specified in the following sections, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for salaries, wages, and other expenses of the agencies and offices of the state and for other specified purposes for the fiscal biennium beginning July 1, 1987, and ending June 30, 1989, except as otherwise provided, out of the several funds of the state hereinafter named.

(2) Unless the context clearly requires otherwise, the definitions in this section apply throughout this act.

(a) "Fiscal year 1988" or "FY 1988" means the fiscal year ending June 30, 1988.

(b) "Fiscal year 1989" or "FY 1989" means the fiscal year ending June 30, 1989.

(c) "Provided solely" means the specified amount may be spent only for the specified purpose. Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose which is unnecessary to fulfill the specified purpose shall revert.

(d) "Revert" or "lapse" means the amount shall return to an unappropriated status.

(e) "FTE" means full time equivalent.

(3) Agencies receiving appropriations under this act shall not initiate any services that will require expenditure of state general fund moneys except as expressly authorized in this act unless the services were provided on March 1, 1987. Agencies may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act and, in the case of unanticipated unrestricted federal moneys, as long as an equal amount of appropriated state general fund moneys is placed in a reserve status. Unrestricted federal moneys shall be used, to the maximum extent permitted under federal law, to replace state general fund moneys appropriated under this act for the biennium ending June 30, 1989. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on explicitly defined projects or matched on a formula basis by state funds.

PART I

GENERAL GOVERNMENT

**NEW SECTION.** Sec. 101. FOR THE HOUSE OF REPRESENTATIVES

General Fund Appropriation .....	\$	36,973,000
----------------------------------	----	------------

**NEW SECTION.** Sec. 102. FOR THE SENATE

General Fund Appropriation .....	\$	29,630,000
----------------------------------	----	------------

**NEW SECTION.** Sec. 103. FOR THE LEGISLATIVE BUDGET COMMITTEE

General Fund Appropriation .....	\$	1,880,000
----------------------------------	----	-----------

The appropriation in this section is subject to the following conditions and limitations:

(1) The legislative budget committee shall conduct a performance audit on the office of the superintendent of public instruction. Where possible, the legislative budget committee shall also identify private sector programs that duplicate state programs.

(2) The legislative budget committee shall report its findings to the senate and house of representatives ways and means committees at the beginning of the 1989 legislative session.

**NEW SECTION, Sec. 104. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE**

General Fund Appropriation ..... \$ 2,353,000

**NEW SECTION, Sec. 105. FOR THE JOINT LEGISLATIVE SYSTEMS COMMITTEE**

General Fund Appropriation ..... \$ 5,524,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation shall be transferred to the legislative systems revolving fund.

**NEW SECTION, Sec. 106. FOR THE OFFICE OF THE STATE ACTUARY**

General Fund Appropriation ..... \$ 742,000

**NEW SECTION, Sec. 107. FOR THE STATUTE LAW COMMITTEE**

General Fund Appropriation ..... \$ 5,394,000

**NEW SECTION, Sec. 108. FOR THE SUPREME COURT**

General Fund Appropriation ..... \$ 10,830,000

The appropriation in this section is subject to the following conditions and limitations: \$3,437,000 is provided solely for the indigent appeals program.

**NEW SECTION, Sec. 109. FOR THE LAW LIBRARY**

General Fund Appropriation ..... \$ 2,574,000

**NEW SECTION, Sec. 110. FOR THE COURT OF APPEALS**

General Fund Appropriation ..... \$ 12,013,000

**NEW SECTION, Sec. 111. FOR THE ADMINISTRATOR FOR THE COURTS**

General Fund Appropriation ..... \$ 21,588,000

Public Safety and Education Account Appropriation ..... \$ 18,828,000

Total Appropriation ..... \$ 40,416,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$4,162,000 of the general fund appropriation is provided solely for the continuation of the treatment alternatives to street crime programs in Pierce, Snohomish, Clark, King, Spokane, and Yakima counties.

(2) \$296,000 of the general fund appropriation is provided solely for allocation to the superior court of Thurston county to relieve the impact of litigation involving the state of Washington.

**NEW SECTION, Sec. 112. FOR THE JUDICIAL QUALIFICATIONS COMMISSION**

General Fund Appropriation ..... \$ 477,000

**NEW SECTION, Sec. 113. FOR THE OFFICE OF THE GOVERNOR**

General Fund Appropriation—State ..... \$ 5,260,000

General Fund Appropriation—Federal ..... \$ 500,000

Total Appropriation ..... \$ 5,760,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$167,000 of the general fund—state appropriation is provided solely for mansion maintenance.

(2) \$389,000 of the general fund—state appropriation is provided solely for extradition expenses to carry out RCW 10.34.030, providing for the return of fugitives by the governor, including prior claims, and for extradition-related legal services as determined by the attorney general.

**NEW SECTION, Sec. 114. FOR THE LIEUTENANT GOVERNOR**

General Fund Appropriation ..... \$ 363,000

**NEW SECTION, Sec. 115. FOR THE SECRETARY OF STATE**

General Fund Appropriation ..... \$ 6,518,000

Archives and Records Management Account Appropriation ..... \$ 2,116,000

Total Appropriation ..... \$ 8,490,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,021,000 of the general fund appropriation is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures.

(2) \$1,661,000 of the general fund appropriation is provided solely for the verification of initiative and referendum petitions and the maintenance of related voter registration records, legal advertising of state measures, and the publication and distribution of the voters and candidates pamphlet.

(3) \$60,000 of the archives and records management account appropriation is provided solely for a project that will evaluate the need for, and potential archival requirements of, storage of data contained in magnetic media (tapes and disks). Implementation of an archival program for magnetic media shall not begin prior to approval of the findings and recommendations of the project by the office of financial management.

**NEW SECTION, Sec. 116. FOR THE COMMISSION ON MEXICAN-AMERICAN AFFAIRS**

General Fund Appropriation ..... \$ 280,000

The appropriation in this section is subject to the following conditions and limitations: \$49,000 is provided solely to meet additional workload associated with the federal immigration reform and control act.

**NEW SECTION, Sec. 117. FOR THE COMMISSION ON ASIAN-AMERICAN AFFAIRS**

General Fund Appropriation ..... \$ 285,000

**NEW SECTION, Sec. 118. FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS**

General Fund Appropriation ..... \$ 241,000

**NEW SECTION, Sec. 119. FOR THE STATE TREASURER**

Motor Vehicle Fund Appropriation ..... \$ 44,000

State Treasurer's Service Fund Appropriation ..... \$ 9,081,000

Total Appropriation ..... \$ 9,125,000

**NEW SECTION, Sec. 120. FOR THE STATE AUDITOR**

General Fund Appropriation ..... \$ 872,000

Motor Vehicle Fund Appropriation ..... \$ 286,000

Municipal Revolving Fund Appropriation ..... \$ 14,734,000

Auditing Services Revolving Fund Appropriation ..... \$ 9,359,000

Total Appropriation ..... \$ 25,251,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$150,000 of the auditing services revolving fund appropriation is provided solely to perform multi-agency audits of fixed assets, capital construction projects, and lease acquisitions and to perform deferred audits of state agencies.

(2) \$39,425 of the general fund appropriation is provided solely to perform whistleblower audits as required under chapter 42.40 RCW.

**NEW SECTION, Sec. 121. FOR THE ATTORNEY GENERAL**

General Fund Appropriation ..... \$ 5,143,000

Legal Services Revolving Fund Appropriation ..... \$ 46,142,000

Total Appropriation ..... \$ 51,285,000

The appropriations in this section are subject to the following conditions and limitations: \$10,233,000 of the legal services revolving fund appropriation is provided solely for legal services augmentation; of which a maximum of \$3,933,000, including the state-wide salary increase allocation, is for salary increases consistent with the Price Waterhouse recommendation of March 19, 1987, for assistant attorneys general, \$5,000,000 is for additional funding for the defense of tort actions, \$400,000 is for increased legal services for the department of corrections and the indeterminate sentence review board, \$200,000 is for increased legal services for the department of transportation, and \$500,000 is for increased legal services for the department of licensing.

**NEW SECTION, Sec. 122. FOR THE OFFICE OF FINANCIAL MANAGEMENT**

General Fund Appropriation—State ..... \$ 16,991,000

General Fund Appropriation—Federal ..... \$ 80,000

Motor Vehicle Fund Appropriation ..... \$ 100,000

Medical Aid Fund Appropriation ..... \$ 98,000

Total Appropriation ..... \$ 17,189,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$40,000 of the general fund—state appropriation is provided solely for the services of an actuarial consultant.

(2) For agencies for which the governor has allotment authority, the office of financial management shall take such action as is necessary to limit general fund—state expenditures for personal services contracts, goods and services, travel, and furnishings and equipment to no more than the amount expended during fiscal year 1986 adjusted for the change in the implicit price deflator through fiscal year 1989, where such agency is specifically directed to do so by reference to this subsection of the appropriations act.

(3) Reports required to be submitted to the legislature or its committees by dates specified in this act shall be submitted by such dates, notwithstanding time necessary for review by the office of financial management. For agencies under the authority of the governor, the office may require submission of draft reports for its review prior to the dates required for submission to the legislative branch.

(4) The conditions and limitations contained in subsection (2) of this section shall apply.

(5) By January 1, 1988, the office of financial management shall submit a report to the committees on ways and means of the senate and house of representatives describing a system to control the initial acquisition and replacement of furniture and equipment by state agencies. The system shall include proposed criteria for justifying furniture and equipment purchases by state agencies, a uniform accounting and reporting system for such purchases, and a centralized inventory and acquisition system that would fill state agency furniture and equipment requests from existing inventory before new purchases are allowed. The report shall include recommended legislation, if appropriate.

**NEW SECTION, Sec. 123. FOR THE OFFICE OF ADMINISTRATIVE HEARINGS**

Administrative Hearings Revolving Fund Appropriation ..... \$ 8,752,000

**NEW SECTION, Sec. 124. FOR THE STATE INVESTMENT BOARD**

State Investment Board Expense Account Appropriation .....	\$	1,766,000
--	----	-----------

**NEW SECTION, Sec. 125. FOR THE DEPARTMENT OF PERSONNEL**

Department of Personnel Service Fund Appropriation .....	\$	13,133,000
State Employees' Insurance Fund Appropriation .....	\$	2,062,000
Total Appropriation .....	\$	15,195,000

The appropriations in this section are subject to the following conditions and limitations: \$150,000 of the state employees' insurance fund appropriation is provided solely for the revision of the automated insurance eligibility system.

**NEW SECTION, Sec. 126. FOR THE PERSONNEL APPEALS BOARD**

Department of Personnel Service Fund Appropriation .....	\$	819,000
--	----	---------

**NEW SECTION, Sec. 127. FOR THE DATA PROCESSING AUTHORITY**

Data Processing Revolving Fund Appropriation .....	\$	1,268,000
--	----	-----------

**NEW SECTION, Sec. 128. FOR THE WASHINGTON STATE LOTTERY**

Lottery Administrative Account Appropriation .....	\$	43,697,000
--	----	------------

The appropriation in this section is subject to the following conditions and limitations: \$7,800,000 of the lottery administrative account appropriation is provided solely for the payment of costs incurred in the promotion of lottery games. If Engrossed Substitute House Bill No. 26 is enacted without requiring that costs of promotion of lottery games be paid out of the lottery administrative account, this amount of the appropriation shall lapse.

**NEW SECTION, Sec. 129. FOR THE DEPARTMENT OF REVENUE**

General Fund Appropriation .....	\$	63,354,000
Hazardous Waste Control and Elimination Account Appropriation .....	\$	112,000
Timber Tax Distribution Account Appropriation .....	\$	3,275,000
Total Appropriation .....	\$	66,741,000

The appropriations in this section are subject to the following conditions and limitations: The conditions and limitations contained in subsection (2) of section 122 of this act shall apply.

**NEW SECTION, Sec. 130. FOR THE BOARD OF TAX APPEALS**

General Fund Appropriation .....	\$	1,214,000
----------------------------------	----	-----------

The appropriation in this section is subject to the following conditions and limitations: \$72,070 is provided solely to conduct appeals in eastern Washington and other locations to handle increased appeals from audits and King county board of equalization assessments.

**NEW SECTION, Sec. 131. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

General Fund Appropriation—State .....	\$	6,556,000
General Fund Appropriation—Federal .....	\$	1,623,000
General Fund Appropriation—Private/Local .....	\$	93,000
Motor Transport Account Appropriation .....	\$	10,925,000
General Administration Facilities and Services Revolving Fund Appropriation .....	\$	19,562,000
Total Appropriation .....	\$	38,759,000

The appropriations in this section are subject to the following conditions and limitations: The conditions and limitations contained in subsection (2) of section 122 of this act shall apply.

**NEW SECTION, Sec. 132. FOR THE OFFICE OF MINORITY AND WOMEN'S BUSINESS****ENTERPRISES**

General Fund Appropriation .....	\$	1,937,000
----------------------------------	----	-----------

**NEW SECTION, Sec. 133. FOR THE PRESIDENTIAL ELECTORS**

General Fund Appropriation .....	\$	1,000
----------------------------------	----	-------

**NEW SECTION, Sec. 134. FOR THE INSURANCE COMMISSIONER**

Insurance Commissioner's Regulatory Account Appropriation .....	\$	10,205,000
---	----	------------

**NEW SECTION, Sec. 135. FOR THE PUBLIC DISCLOSURE COMMISSION**

General Fund Appropriation .....	\$	1,296,000
----------------------------------	----	-----------

The appropriation in this section is subject to the following conditions and limitations:

(1) \$173,000 is provided solely to handle an increased number of field audits of major campaigns, party organizations, lobbyists, and political action committees; to develop a computer data base of major campaign contributors; and to produce a more complete campaign financing fact book.

(2) The conditions and limitations contained in subsection (2) of section 122 of this act shall apply.

**NEW SECTION, Sec. 136. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—OPERATIONS**

Department of Retirement Systems Expense Fund Appropriation .....	\$	20,880,000
---	----	------------

The appropriation in this section is subject to the following conditions and limitations:

(1) The department of retirement systems is authorized to transfer from the applicable retirement system fund to the department of retirement systems expense fund amounts which represent each system's proportionate share of administrative expenses.

(2) \$685,000 is provided solely for the expenses of the office of the state actuary, which shall be billed to the department of retirement systems.

(3) \$554,000 is provided solely for the purposes of Engrossed Substitute Senate Bill No. 5150. If the bill is not enacted by June 30, 1987, this amount shall lapse.

<u>NEW SECTION, Sec. 137. FOR THE MUNICIPAL RESEARCH COUNCIL</u>	
General Fund Appropriation	\$ 2,104,000
<u>NEW SECTION, Sec. 138. FOR THE UNIFORM LEGISLATION COMMISSION</u>	
General Fund Appropriation	\$ 36,000
<u>NEW SECTION, Sec. 139. FOR THE BOARD OF ACCOUNTANCY</u>	
General Fund Appropriation	\$ 525,000
Certified Public Accountant Examination Account Appropriation	\$ 571,000
Total Appropriation	\$ 1,096,000
<u>NEW SECTION, Sec. 140. FOR THE BOXING COMMISSION</u>	
General Fund Appropriation	\$ 108,000
<u>NEW SECTION, Sec. 141. FOR THE CEMETERY BOARD</u>	
Cemetery Account Appropriation	\$ 143,000
<u>NEW SECTION, Sec. 142. FOR THE HORSE RACING COMMISSION</u>	
Horse Racing Commission Fund Appropriation	\$ 4,293,000
The appropriation in this section is subject to the following conditions and limitations:	
(1) If there are more than seven hundred seventy-eight racing days during the fiscal biennium ending June 30, 1989, the governor is authorized to allocate such additional moneys from the horse racing commission fund as may be required.	
(2) No horse racing commission funds may be used for the purpose of certifying Washington-bred horses as required under RCW 67.16.075.	
(3) \$70,000 is provided solely for implementation of Substitute House Bill No. 177. If the bill is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.	
(4) \$160,000 is provided solely for drug testing and two additional security guards. This amount is contingent on the enactment of House Bill No. 831. If the bill is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.	
<u>NEW SECTION, Sec. 143. FOR THE LIQUOR CONTROL BOARD</u>	
Liquor Revolving Fund Appropriation	\$ 87,777,000
The appropriation in this section is subject to the following conditions and limitations:	
(1) If the yearly average of gross bottle sales at any state liquor store falls below 80,000 bottles, that store shall be closed and an agency may be established in its place.	
(2) \$60,000 of the liquor revolving fund appropriation is provided solely for computer programming in order to use the state payroll system.	
<u>NEW SECTION, Sec. 144. FOR THE PHARMACY BOARD</u>	
General Fund Appropriation	\$ 1,343,000
<u>NEW SECTION, Sec. 145. FOR THE UTILITIES AND TRANSPORTATION COMMISSION</u>	
Public Service Revolving Fund Appropriation—State	\$ 23,712,000
Public Service Revolving Fund Appropriation—Federal	\$ 426,000
Grade Crossing Protective Fund Appropriation	\$ 320,000
Total Appropriation	\$ 24,458,000
The appropriations in this section are subject to the following conditions and limitations: \$975,000 of the public service revolving fund appropriation is provided solely for costs of the attorney general associated with representation of the public before the commission, including but not limited to the costs of special attorneys general, expert witnesses, technical assistance, and consultants.	
<u>NEW SECTION, Sec. 146. FOR THE BOARD FOR VOLUNTEER FIREMEN</u>	
Volunteer Firemen's Relief and Pension Fund Appropriation	\$ 233,000
<u>NEW SECTION, Sec. 147. FOR THE MILITARY DEPARTMENT</u>	
General Fund Appropriation—State	\$ 7,670,000
General Fund Appropriation—Federal	\$ 5,149,000
Total Appropriation	\$ 12,819,000
<u>NEW SECTION, Sec. 148. FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION</u>	
General Fund Appropriation	\$ 1,719,000
<u>NEW SECTION, Sec. 149. FOR THE CITIZENS' COMMISSION ON SALARIES FOR ELECTED OFFICIALS</u>	
General Fund Appropriation	\$ 63,000

## PART II

## HUMAN SERVICES

<u>NEW SECTION, Sec. 201. FOR THE DEPARTMENT OF CORRECTIONS</u>	
<u>(1) COMMUNITY SERVICES</u>	
General Fund Appropriation	\$ 59,605,000
The appropriation in this subsection is subject to the following conditions and limitations:	
(a) \$2,071,000 is provided solely for the support of the office of the director of community services.	
(b) \$200,000 is provided solely for the notification of victims and witnesses of any parole, work release placement, furlough, or unescorted leave of absence from a state correctional facility of any inmate convicted of a violent offense.	
<u>(2) INSTITUTIONAL SERVICES</u>	
General Fund Appropriation	\$ 269,774,000

The appropriation in this subsection is subject to the following conditions and limitations: \$1,049,000 is provided solely for the operation of the new in-patient floor at the Monroe reformatory hospital.

(3) ADMINISTRATION AND PROGRAM SUPPORT

General Fund Appropriation .....	\$	17,961,000
Institutional Impact Account Appropriation .....	\$	317,000
Total Appropriation .....	\$	17,948,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department shall report to the ways and means committees of the senate and house of representatives on January 1, 1988, and January 1, 1989, regarding its progress toward employing more minorities and women in top-level management positions.

(b) A maximum of \$1,258,000 of the general fund appropriation may be transferred to the tort claims revolving fund for tort claims against the department. The department shall develop a report, including brief descriptions and estimated amounts of all outstanding tort claims. The report is due to the ways and means committees of the senate and house of representatives on January 1, 1988. During the 1987-89 biennium, the department shall report on a quarterly basis the tort claim payments resulting from settlements and court judgments. New claims against the state shall be included in the quarterly updates.

(c) The department shall administer a sex offender treatment program from the funds provided in this section as required by chapter 301, Laws of 1986. The department shall report to the ways and means committees of the senate and house of representatives by January 1, 1989, regarding the expenditures and outcomes resulting from the sex offender treatment program.

(4) INSTITUTIONAL INDUSTRIES

General Fund Appropriation .....	\$	2,268,000
----------------------------------	----	-----------

The appropriations in this subsection are subject to the following conditions and limitations:

A maximum of \$500,000 may be spent for the replacement of used equipment within the institutional industries division.

NEW SECTION. Sec. 202. The appropriations in sections 203, 208, 210, 213, 214, and 215 of this act are subject to the following conditions and limitations:

(1) The appropriations in these sections shall be expended as provided in each section, except that the department may expend money, appropriated for other purposes, for the family independence program only after approval by the director of financial management. The director of financial management shall notify the ways and means committees of the senate and house of representatives regarding deviation from the legislative program appropriation levels.

(2) The department is authorized to expend federal funds made available by the federal immigration reform and control act, P.L. 99-603, for the purposes contained in that act.

(3) The department shall continue to let performance-based contracts and withhold a portion of vendor payments for private group care and other community residential placements when vendors do not meet contractually agreed-to client outcome performance standards. The department shall report to the ways and means committees of the senate and house of representatives on January 15, 1988, and January 15, 1989, regarding vendor compliance.

(4) If Engrossed Senate Bill No. 5097 is enacted by June 30, 1987, the department shall administer the lifeline fund established under the bill and shall recover its administrative costs from the fund. Payments to local exchange companies shall not exceed amounts available in the lifeline fund.

(5) The department may transfer moneys between only sections 213 and 214 of this act.

(6) The department shall report monthly unit cost performance data for all budget units, including comparisons to previous periods, to the legislative evaluation and accountability program committee on a quarterly basis.

NEW SECTION. Sec. 203. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—

CHILDREN AND FAMILY SERVICES PROGRAM

General Fund Appropriation—State .....	\$	159,917,000
General Fund Appropriation—Federal .....	\$	60,252,000
Total Appropriation .....	\$	220,169,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Vendor rate increases shall average 2.0 percent on September 1, 1987, and 4.0 percent on September 1, 1988. Department contracts for group home services, therapeutic day care, seasonal day care, and domestic violence shelters shall provide for and assure payment of compensation for staff of no less than \$4.76 per hour beginning September 1, 1987, and \$5.15 per hour beginning September 1, 1988.

(2) \$502,616 of the general fund—state appropriation is provided solely for low earner wage increases.

(3) \$7,500,000 of the general fund—state appropriation is provided solely for the improvement of services to protect children. \$5,035,000 of the amount provided in this subsection is provided solely for increased child protective services and child welfare casework staff.



necessary support and supervisory staff, and assistant attorneys general to provide legal services for child protective services cases. The department shall conduct intensive recruitment and priority hiring of qualified multi-ethnic casework staff. \$40,000 of the amount provided in this subsection is provided solely for training for child protective services and child welfare staff who investigate and serve child abuse and neglect cases. \$2,425,000 of the amount provided in this subsection is provided solely to implement Second Substitute Senate Bill No. 5553 or Engrossed Second Substitute House Bill No. 586, which establishes a pilot project in order to guide the state in developing a comprehensive system of children and family services. If neither bill is enacted by June 30, 1987, this amount shall lapse.

(4) \$2,160,000 of the general fund—state appropriation is provided solely for public health nurses to provide prevention and early intervention services for the protection of children, and to assist in the investigation of low-risk child abuse and neglect referrals.

(5) \$600,000 of the general fund—state appropriation is provided solely to increase private agency fees in connection with foster care placements, effective July 1, 1987.

(6) \$400,000 of the general fund—state appropriation is provided solely for expansion of current contracted community services to prevent the occurrence or recurrence of family conflict, abuse, or out-of-home placements.

(7) \$1,000,000 of the general fund—state appropriation is provided solely for training and support for families providing foster care services.

(8) \$300,000 of the general fund—state appropriation is provided solely to fund counseling, education, and support for victims of sexual abuse.

(9) \$500,000 of the general fund—state appropriation is provided solely to increase contracted Indian child welfare services.

(10) \$1,298,000 of the general fund—state appropriation is provided solely for financial eligibility workers to ensure that every child in foster care who is eligible for federal financial participation under Title IV, Part B, or Title IV, Part E of the federal social security act is identified. Any federal moneys generated by this activity in excess of the amount appropriated in this section shall be expended for foster care services and a like amount of state moneys shall lapse.

(11) \$92,800 of the general fund—state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 6013. If the bill is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

(12) \$125,000 is provided solely for the purpose of implementing Engrossed Second Substitute Senate Bill No. 5252. If Engrossed Second Substitute Senate Bill NO. 5252 is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

(13) \$28,500,000, of which \$16,800,000 is from the general fund—state appropriation, is provided solely for day care programs.

(a) Total paid monthly day care child-slots shall not exceed 7,062 in FY 88 and 7,321 in FY 89.

(b) Day care program costs per child-slot shall not exceed actual FY 1986 costs per child-slot, adjusted for changes in the implicit price deflator.

**NEW SECTION, Sec. 204. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—JUVENILE REHABILITATION PROGRAM**

**(1) COMMUNITY SERVICES**

General Fund Appropriation—State .....	\$	27,948,000
General Fund Appropriation—Federal .....	\$	118,000
Total Appropriation .....	\$	28,066,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Vendor rate increases shall average 2.0 percent on September 1, 1987, and 4.0 percent on September 1, 1988. Privately contracted group home providers shall provide for and assure payment of compensation for staff of no less than \$4.76 per hour beginning September 1, 1987, and \$5.15 per hour beginning September 1, 1988.

(b) The seven state-operated group homes shall collectively average 100 youths in residential status per month. Residential status includes youths in actual residence, those on leave up to 14 days, and those in the process of being transferred or paroled. If the average number of youths in residential status falls below 100 per month, the general fund—state support shall be reduced by an average monthly amount per resident as determined by the office of financial management.

**(2) INSTITUTIONAL SERVICES**

General Fund Appropriation—State .....	\$	44,285,000
General Fund Appropriation—Federal .....	\$	990,000
Total Appropriation .....	\$	45,275,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$536,000 of the general fund—state appropriation is provided solely for the implementation of a mentally ill offenders unit at Echo Glen children's center.

(b) The department shall develop a ten-year plan to include operating and capital costs of using Green Hill school to house level I and the more serious level II offenders. The plan may include other viable options to handle the increasing numbers of violent offenders entering the

juvenile rehabilitation institutions. The plan shall be presented to the ways and means committees of the senate and house of representatives by January 15, 1988.

(3) PROGRAM SUPPORT

General Fund Appropriation—State . . . . . \$ 2,788,000

NEW SECTION, Sec. 205. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—

MENTAL HEALTH PROGRAM

(1) COMMUNITY SERVICES

General Fund Appropriation—State . . . . . \$ 116,206,000

General Fund Appropriation—Federal . . . . . \$ 44,024,000

General Fund Appropriation—Local . . . . . \$ 1,580,000

Total Appropriation . . . . . \$ 161,810,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Vendor rate increases shall average 2.0 percent on September 1, 1987, and 4.0 percent on September 1, 1988. Community mental health centers and residential services providers shall provide for and assure payment of compensation for staff of no less than \$4.76 per hour beginning September 1, 1987, and \$5.15 per hour beginning September 1, 1988.

(b) \$2,690,000, of which \$2,383,000 is from the general fund—state appropriation is provided solely for the Kitsap mental health services residential treatment alternative project. The state reimbursement rate shall not exceed \$200 per client day and treatment for individual clients shall not exceed 180 days. All eligible involuntary treatment referrals shall be made to the project. No involuntary treatment referrals of Kitsap county residents may be made to Western state hospital. The maximum reimbursement rate to Kitsap county hospitals shall be \$250 per day per patient. Within the amount provided in this subsection, in an effort to reduce commitments to psychiatric hospitals and evaluation and treatment facilities, \$500,000, of which \$443,000 is from the general fund—state appropriation, is provided solely for a Kitsap mental health services outreach case management team. The services provided shall include participation with the court in formulation of conditions of conditional release and less restrictive alternative placement, participation in development of an individualized treatment plan with the treatment team, assistance with housing, financial management, medication management, nutrition, system advocacy, mental health services and monitoring the person receiving treatment to ensure that the person abides by the requirements of the person's individualized treatment plan. The case managers shall be mental health professionals, or shall be supervised by mental health professionals as defined in RCW 71.05.020(11). Kitsap mental health services shall participate in the state and county client tracking system required by RCW 71.24.035(4)(h) and 71.24.045(6). Kitsap mental health services shall provide quarterly reports to the committees on ways and means of the senate and house of representatives describing the numbers and characteristics of clients served and the resulting diversions from psychiatric hospitals and evaluation and treatment facilities. In addition, the department shall present an annual report to the same legislative committees by January 1, 1988, and January 1, 1989, indicating progress made toward meeting the long-term residential bed needs of Kitsap county.

(c) The mental health division, in conjunction with county officials and other affected parties, shall develop a fair and equitable formula for distributing involuntary treatment act administration funding to counties. The formula shall incorporate workload estimates and any other relevant factors, defined in a common and consistent manner for state-wide application, required to reflect actual county administration costs. The mental health division shall present the proposed formula to the ways and means committees of the senate and house of representatives by November 15, 1987. Implementation of the formula may take effect immediately after legislative review but no later than July 1, 1988. Of the funding provided in this section for involuntary treatment act administration, \$3,400,000 is placed in reserve status pending legislative review of the new formula. No county allocation of funds for fiscal year 1988 may be less than its fiscal year 1987 allocation. Counties shall continue to fund current maintenance of effort funding levels during the ensuing biennium.

(d) \$6,250,000, of which \$5,000,000 is from the general fund—state appropriation, is provided solely for a state-wide pilot demonstration project as provided for in Engrossed Second Substitute Senate Bill No. 5074. These funds include 2 percent for costs of administration for participating counties. The plan for the pilot project shall be developed by the department in cooperation with interested counties, mental health providers, and other interested members of the community and legislative staff shall be submitted to the legislature by September 1, 1987. The plan shall include specific criteria for inclusion in the project for counties choosing to participate and shall meet the conditions set forth in Engrossed Second Substitute Senate Bill No. 5074. The plan shall provide for evaluation of the effects of case management on the treatment of involuntarily committed persons. The evaluation shall incorporate experimental control groups and use a system of random selection for identifying persons to receive the case management services. Evaluation support of no more than \$125,000 of the general fund—state appropriation is from the emergency and technical assistance funds provided for in RCW 71.24.155. The plan shall assure that case management services are administered in a manner which recognizes client needs within the availability of funds provided in this subsection (d). If Engrossed Second Substitute Senate Bill No. 5074 is not enacted by June 30, 1987, the amount

provided in this subsection shall be provided solely for case management services for persons ordered to a fourteen-day less restrictive treatment setting as provided for in RCW 71.05.240.

(e) \$500,000 of the general fund—state appropriation is provided solely for Pierce county for community mental health services to address loss of operations grants and impact of persons released from the state psychiatric hospital who don't return to the county in which they were originally detained.

(f) Grants to counties for community mental health programs shall total not less than \$81,689,000.

(g) \$1,000,000 of the general fund—state appropriation is provided solely for the support of involuntary treatment act administration.

(h) The conditions and limitations contained in subsection (2) of section 122 of this act shall apply.

(2) INSTITUTIONAL SERVICES

General Fund Appropriation—State	\$	150,411,000
General Fund Appropriation—Federal	\$	7,948,000
Total Appropriation	\$	158,359,000

(3) PROGRAM SUPPORT

General Fund Appropriation—State	\$	3,477,000
General Fund Appropriation—Federal	\$	1,341,000
Total Appropriation	\$	4,818,000

(4) SPECIAL PROJECTS

General Fund Appropriation—Federal	\$	1,059,000
------------------------------------	----	-----------

**NEW SECTION. Sec. 206. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—DEVELOPMENTAL DISABILITIES PROGRAM**

(1) COMMUNITY SERVICES

General Fund Appropriation—State	\$	77,456,000
General Fund Appropriation—Federal	\$	61,613,000
Total Appropriation	\$	139,069,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$278,000 of the general fund—state appropriation is provided solely for the deaf-blind service center.

(b) \$1,169,000 is appropriated solely for the division of developmental disabilities to contract for an additional twenty-four group home beds and associated services in King county.

(c) The division of developmental disabilities shall fund the DECOD dental program at the University of Washington with \$224,000 of the general fund—state appropriation.

(d) The secretary may transfer funds between the appropriations in subsections (1) and (2) of this section in order to provide program options as authorized in RCW 72.33.125. Any transfer of funds shall not reduce the level of services to existing clients.

(e) Vendor rate increases shall average 2.0 percent on September 1, 1987, and 4.0 percent on September 1, 1988. Respite care providers shall provide for and assure payment of compensation for staff of no less than \$4.76 per hour beginning September 1, 1987, and \$5.15 per hour beginning September 1, 1988.

(f) \$2,600,000 of the general fund—state appropriation is provided solely for existing county contracted employment programs for the developmentally disabled.

(2) INSTITUTIONAL SERVICES

General Fund Appropriation—State	\$	100,602,000
General Fund Appropriation—Federal	\$	94,921,000
Total Appropriation	\$	195,523,000

(3) SPECIAL PROJECTS

General Fund Appropriation—Federal	\$	1,199,000
------------------------------------	----	-----------

The appropriations in this section are subject to the following conditions and limitations: If Engrossed Second Substitute House Bill No. 221 is enacted before June 30, 1987, the department is authorized to expend the proceeds of the telecommunication devices for the deaf excise tax established under the bill for the distribution and maintenance of telecommunication devices, signal devices, and amplifying accessories to hearing-impaired persons as provided in the bill.

(4) PROGRAM SUPPORT

General Fund Appropriation—State	\$	3,991,000
General Fund Appropriation—Federal	\$	479,000
Total Appropriation	\$	4,470,000

**NEW SECTION. Sec. 207. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—LONG-TERM CARE SERVICES**

General Fund Appropriation—State	\$	317,898,000
General Fund Appropriation—Federal	\$	331,750,000
Total Appropriation	\$	649,648,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Adult services vendor rates shall be increased by 2.0 percent on September 1, 1987, and 4.0 percent on September 1, 1988.

(2) The department shall provide an integrated system of long-term care services which will allow for the most efficient, equitable, and appropriate use of available resources. The department shall endeavor to provide these services in the least restrictive and most cost-effective manner appropriate for individual clients.

(3) Department-contracted chore services shall provide for and assure payment of compensation for staff of no less than \$4.76 per hour beginning September 1, 1987, and \$5.15 per hour beginning September 1, 1988. Department reimbursement to clients for attendant care and services provided by the community options program entry system shall provide for and assure payment of a monthly rate equivalent to \$4.76 per hour for full time employment beginning September 1, 1987, and \$5.15 per hour for full time employment beginning September 1, 1988. If Engrossed Second Substitute House Bill No. 1006 is enacted before June 30, 1987, department-contracted nursing homes shall provide for and assure payment of compensation for staff of no less than \$4.76 per hour beginning January 1, 1988, and \$5.15 per hour beginning January 1, 1989. The department shall not exceed 12,000 chore service cases in any month.

(4) Grant payment standards shall be increased by 2.0 percent on September 1, 1987, and 4.0 percent on September 1, 1988, for adult residential care clients.

(5) Nursing home rates shall be adjusted for inflation under RCW 74.46.495 by 3 percent on July 1, 1987, and 3 percent on July 1, 1988.

(6) \$1,000,000 of the general fund—state appropriation is provided solely for the expansion of the respite care demonstration project.

(7) At least 7 percent of the amount allotted for the senior citizens services act in each fiscal year shall be used for programs that utilize volunteer workers for the provision of chore services to persons whose need for chore services is not being met by the chore services program.

**NEW SECTION, Sec. 208. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—INCOME ASSISTANCE PROGRAM**

General Fund Appropriation—State .....	\$	477,040,000
General Fund Appropriation—Federal .....	\$	425,439,000
Total Appropriation .....	\$	902,479,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Vendor rates shall be increased by 2.0 percent on September 1, 1987, and 4.0 percent on September 1, 1988.

(2) The department shall reinstitute monthly mandatory reporting for all recipients of aid to families with dependent children (AFDC-R and AFDC-E) as a condition for continued eligibility under this section.

(3) The department shall continue the aid to families with dependent children program for two-parent families through June 30, 1989.

(4) The department shall adopt by rule medical criteria for general assistance eligibility to ensure that eligibility decisions are consistent with statutory requirements and are based on clear, objective medical information.

(5) If Substitute House Bill No. 646 is enacted by June 30, 1987, the department shall have authority to provide services, in lieu of cash grants, to clients eligible for the alcohol and drug addiction treatment and shelter program. The department shall have the authority consistent with Substitute House Bill No. 646 to pay administrative fees to protective payees.

(6) It is the continuing intention of the legislature that payment levels in the aid to families with dependent children, general assistance, and refugee assistance programs contain an energy allowance to offset the costs of energy and that such allowance be excluded from consideration as income for the purpose of determining eligibility and benefit levels of the food stamp program to the maximum extent such exclusion is authorized under federal law and RCW 74.08.046. To this end, up to \$150,000,000 is so designated for exemptions of the following amounts:

Family size:	1	2	3	4	5	6	7	8 or more
Exemption:	\$30	39	46	56	63	72	84	92

**NEW SECTION, Sec. 209. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—COMMUNITY SOCIAL SERVICES PROGRAM**

General Fund Appropriation—State .....	\$	37,620,000
General Fund Appropriation—Federal .....	\$	17,066,000
General Fund Appropriation—Local .....	\$	166,000
Total Appropriation .....	\$	54,852,000

The appropriations in this section are subject to the following conditions and limitations: Vendor rates shall be increased by 2.0 percent on September 1, 1987, and 4.0 percent on September 1, 1988.

**NEW SECTION, Sec. 210. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—MEDICAL ASSISTANCE PROGRAM**

General Fund Appropriation—State .....	\$	514,668,000
General Fund Appropriation—Federal .....	\$	465,057,000
Total Appropriation .....	\$	979,725,000

(1) Vendor rate increases shall average 2.0 percent on September 1, 1987, and 4.0 percent on September 1, 1988.

(2) \$3,000,000 of the general fund—state appropriation is provided solely for matching grants to hospitals under Engrossed Second Substitute House Bill No. 477. If the bill is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

(3) \$4,000,000 of the general fund—state appropriation and \$4,884,000 of the general fund—federal appropriation are provided solely to provide for acute and emergent dental needs of categorically eligible and medically needy adults.

**NEW SECTION. Sec. 211. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—  
PUBLIC HEALTH PROGRAM**

General Fund Appropriation—State .....	\$	56,655,000
General Fund Appropriation—Federal .....	\$	73,730,000
General Fund Appropriation—Local .....	\$	6,825,000
Total Appropriation .....	\$	137,211,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Vendor rates shall be increased by 2.0 percent on September 1, 1987, and 4.0 percent on September 1, 1988.

(2) Public and private community health clinics providing dental services under this section shall give priority to populations that lack access to federally supported dental services. The department shall prepare contracts which implement this requirement.

(3) \$1,869,000 of the general fund—state appropriation is provided solely to carry out the department's responsibilities contained in the Puget Sound water quality plan.

(4) \$7,122,000 of the general fund—state appropriation is provided solely to provide prenatal care services for low-income pregnant women who do not qualify for full coverage under the medical assistance program.

(5) \$3,100,000 of the general fund—state appropriation is provided solely to continue the kidney disease program.

(6) \$350,000 of the general fund—state appropriation is provided solely for providing matching grants on a one-to-one state/local basis to regional health councils as established in RCW 70.38.085, or to the successor agencies. Grants shall be distributed equitably on the basis of need in order to preserve regional health planning.

**NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—  
VOCATIONAL REHABILITATION PROGRAM**

General Fund Appropriation—State .....	\$	13,583,000
General Fund Appropriation—Federal .....	\$	32,654,000
Total Appropriation .....	\$	46,237,000

The appropriations in this section are subject to the following condition and limitations:

Vendor rates shall be increased by 2.0 percent on September 1, 1987, and 4.0 percent on September 1, 1988.

**NEW SECTION. Sec. 213. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—  
ADMINISTRATION AND SUPPORTING SERVICES PROGRAM**

General Fund Appropriation—State .....	\$	44,755,000
General Fund Appropriation—Federal .....	\$	31,766,000
Institutional Impact Account Appropriation .....	\$	78,000
Total Appropriation .....	\$	76,599,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$108,000 of the general fund—state appropriation is transferred within the office of constituent relations for an additional 2 FTE staff for the office of the long-term care ombudsman.

(2) The conditions and limitations contained in subsection (2) of section 122 of this act shall apply.

**NEW SECTION. Sec. 214. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—  
COMMUNITY SERVICES ADMINISTRATION PROGRAM**

General Fund Appropriation—State .....	\$	135,838,000
General Fund Appropriation—Federal .....	\$	152,012,000
General Fund Appropriation—Local .....	\$	705,000
Total Appropriation .....	\$	288,555,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$69,000 of the general fund—state appropriation and \$70,000 of the general fund—federal appropriation are provided solely for discharge planning case management for clients in nursing homes, congregate care facilities, and adult family homes.

(2) \$708,000 of the general fund—state appropriation is provided solely for establishing a supplemental security income referral pilot program as provided for in Engrossed Substitute House Bill No. 665. If the bill is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 215. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—  
REVENUE COLLECTIONS PROGRAM**

General Fund Appropriation—State .....	\$	26,217,000
General Fund Appropriation—Federal .....	\$	51,135,000
General Fund Appropriation—Local .....	\$	200,000

Total Appropriation	\$	77,552,000
<b>NEW SECTION. Sec. 216. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—</b>		
<b>PAYMENTS TO OTHER AGENCIES PROGRAM</b>		
General Fund Appropriation—State	\$	22,258,000
General Fund Appropriation—Federal	\$	11,174,000
Total Appropriation	\$	33,432,000

<b>NEW SECTION. Sec. 217. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT</b>		
General Fund Appropriation—State	\$	18,414,000
General Fund Appropriation—Federal	\$	143,939,000
Building Code Council Account Appropriation	\$	407,000
Fire Service Training Account Appropriation	\$	500,000
Low Income Weatherization Account Appropriation	\$	4,000,000
Total Appropriation	\$	167,260,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,776,000 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. \$100,000 of this amount may be used for increased department administrative staff if the department receives federal grants in excess of \$1,000,000 under U.S. House of Representatives resolution 558. If the department does not receive grants of at least \$1,000,000, \$100,000 of this amount shall lapse.

(2) \$250,000 of the general fund—state appropriation is provided solely for the border town impact mitigation program for Point Roberts, Blaine, Sumas, and Lynden.

(3) \$25,000 is provided solely for the purpose of implementing Engrossed Second Substitute Senate Bill No. 5252. If Engrossed Second Substitute Senate Bill No. 5252 is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

(4) 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.

<b>NEW SECTION. Sec. 218. FOR THE DEPARTMENT OF VETERANS AFFAIRS</b>		
General Fund Appropriation—State	\$	17,757,000
General Fund Appropriation—Federal	\$	4,690,000
General Fund Appropriation—Local	\$	6,167,000
Total Appropriation	\$	28,614,000

<b>NEW SECTION. Sec. 219. FOR THE HUMAN RIGHTS COMMISSION</b>		
General Fund Appropriation—State	\$	3,199,000
General Fund Appropriation—Federal	\$	964,000
Total Appropriation	\$	4,163,000

<b>NEW SECTION. Sec. 220. FOR THE DEATH INVESTIGATION COUNCIL</b>		
Death Investigations Account Appropriation	\$	5,000

<b>NEW SECTION. Sec. 221. FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS</b>		
Public Safety and Education Account Appropriation	\$	176,000
Accident Fund Appropriation	\$	6,015,000
Medical Aid Fund Appropriation	\$	6,015,000
Total Appropriation	\$	12,206,000

<b>NEW SECTION. Sec. 222. FOR THE CRIMINAL JUSTICE TRAINING COMMISSION</b>		
Death Investigations Account Appropriation	\$	32,000
Public Safety and Education Account Appropriation	\$	7,866,000
Total Appropriation	\$	7,898,000

The appropriations in this section are subject to the following conditions and limitations: \$68,000 of the public safety and education account appropriation is provided solely for one-time costs associated with conversion to an incident-based uniform crime reporting system. Expenditure of these funds is contingent upon receipt of federal matching funds equal to or greater than \$68,000.

<b>NEW SECTION. Sec. 223. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES</b>		
General Fund Appropriation	\$	8,384,000
Public Safety and Education Account Appropriation	\$	10,866,000
Accident Fund Appropriation	\$	85,037,000
Electrical License Fund Appropriation	\$	9,620,000
Farm Labor Revolving Account Appropriation	\$	292,000
Medical Aid Fund Appropriation	\$	81,983,000
Plumbing Certificate Fund Appropriation	\$	640,000
Pressure Systems Safety Fund Appropriation	\$	1,111,000
Worker and Community Right to Know Fund Appropriation	\$	2,059,000
Total Appropriation	\$	199,992,000

<b>NEW SECTION. Sec. 224. FOR THE INDETERMINATE SENTENCE REVIEW BOARD</b>		
General Fund Appropriation	\$	4,042,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$166,000 is provided solely for payments to private attorneys representing indigent parolees.

(2) \$727,000 is provided solely for addressing inmate litigation resulting from the transition from the indeterminate sentencing laws to the determinate sentencing laws and to enable the board to review all remaining cases falling under the indeterminate sentencing laws.

(3) Of the amount provided in subsection (2) of this section, \$363,500 shall be placed in reserve status until the legislature authorizes its release. The board shall report to the legislature on January 1, 1988, regarding its progress toward completing at least one-half of the workload outlined in subsection (2) of this section. It is the intent of the legislature that the indeterminate sentencing review board terminate on June 30, 1989, and any remaining functions transfer to the department of corrections and the judiciary.

**NEW SECTION, Sec. 225. FOR THE HOSPITAL COMMISSION**

General Fund Appropriation .....	\$	1,888,000
Hospital Commission Account Appropriation .....	\$	1,420,000
Total Appropriation .....	\$	3,308,000

**NEW SECTION, Sec. 226. FOR THE EMPLOYMENT SECURITY DEPARTMENT**

General Fund Appropriation—State .....	\$	5,700,000
General Fund Appropriation—Federal .....	\$	146,257,000
General Fund Appropriation—Local .....	\$	18,373,000
Administrative Contingency Fund		
Appropriation—Federal .....	\$	6,798,000
Unemployment Compensation Administration Fund Appropria- tion—Federal .....	\$	110,569,000
Employment Service Administration Account Appropriation—Fed- eral .....	\$	2,334,000
Total Appropriation .....	\$	290,031,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall submit a plan to the commerce and labor committees of the senate and house of representatives by January 15, 1988, regarding continuation of services provided at its satellite office at 2106 Second Avenue, Seattle. The plan shall identify any proposed changes to the service level in effect on July 1, 1988, and methods of assuring reasonable access to a full array of services for area clients.

(2) The department shall produce local area labor market information packages for the state's economically distressed counties.

(3) The department shall produce an annual state economic report to the legislature and the governor that includes but is not limited to:

(a) Identification and analysis of industries in the United States, Washington state, and local labor markets with high levels of seasonal, cyclical, and structural unemployment;

(b) The industries and local labor markets with plant closures and mass lay-offs and the number of affected workers;

(c) An analysis of the major causes of plant closures and mass lay-offs;

(d) The number of dislocated workers and persons who have exhausted their unemployment benefits, classified by industry, occupation, and local labor markets;

(e) The experience of the unemployed in their efforts to become reemployed. This should include research conducted on the continuous wage and benefit history;

(f) Five-year industry and occupational employment projections; and

(g) Annual and hourly average wage rates by industry and occupation.

(4) The department shall establish a counter-cyclical employment program.

(a) This program shall provide employment for unemployed forest product workers. "Forest products industries" means industries within the standard industrial classification code numbers 8, 24, and 26. The program shall operate, on a pilot basis in two locations in Washington state, with preference given to distressed areas in the state.

(b) Eligibility for employment under the counter-cyclical employment program shall occur only upon exhaustion of unemployment insurance benefits received upon termination of employment in the Washington forest products industry and eligibility shall be limited to only those persons who are either currently unemployed, employed part time, or whose employment in the Washington forest products industry was terminated within the previous year. No one shall be employed by the program for longer than six months in a two-year period, except as to administrative and supervisory employees.

(c) The program shall begin after completion of two consecutive quarters of below-average employment in forest products industries in Washington state and shall cease sixty days after the completion of two consecutive quarters of above-average timber products employment in Washington state. If, on the effective date of this act, forest products employment in the state has been below average for two consecutive quarters, the program shall begin immediately. In order to determine average forest products employment, the department shall calculate the trend of forest products employment in Washington state by the number of forest products employees, as reported by the department, during the fifteen years prior to the date

the calculation is made. "Average forest products employment" means the level of employment indicated by this trend line.

(d) Employment under the counter-cyclical employment program shall consist of activities which enhance the value of state, county, and local government lands and waters and associated improvements, with priority given to enhancing state lands and waters. Eligible activities shall include, but are not limited to, thinning, slash removal, reforestation, fire suppression, trail maintenance, maintenance of recreational facilities, dike repair, tourist facilities, stream enhancement, water quality enhancement, irrigation repair, and the building of shellfish beds.

(e) Employees under the counter-cyclical employment program, except administrative employees, shall not be considered state employees for the purposes of existing provisions of law with respect to hours of work, sick leave and civil service. Employees under the program shall receive the same medical and dental benefits and holiday and vacation benefits as state employees. Compensation for employees under the counter-cyclical employment program shall be at least eight dollars per hour of employment, except as to administrative and supervisory personnel. Employment under the program shall not result in the displacement or partial displacement, such as reduction of hours of nonovertime work, wages, or other employment benefits, of currently employed workers, including but not limited to state civil service employees, or of currently or normally contracted services. 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.

(f) The department shall administer the program in consultation with the state natural resource agencies. The employment security department may enter into contracts and agreements with state agencies and private and public individuals and organizations to carry out the program.

**NEW SECTION. Sec. 227. FOR THE DEPARTMENT OF SERVICES FOR THE BLIND**

General Fund Appropriation—State	\$	2,357,000
General Fund Appropriation—Federal	\$	4,862,000
Total Appropriation	\$	7,219,000

The appropriations in this section are subject to the following conditions and limitations: \$11,000 in fiscal year 1988 and \$11,000 in fiscal year 1989 is provided for support of the deaf-blind service center.

**NEW SECTION. Sec. 228. FOR THE SENTENCING GUIDELINES COMMISSION**

General Fund Appropriation	\$	525,000
----------------------------	----	---------

**NEW SECTION. Sec. 229. FOR THE WASHINGTON BASIC HEALTH PLAN**

General Fund Appropriation	\$	23,000,000
----------------------------	----	------------

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely to develop and operate the basic health plan under Engrossed Second Substitute House Bill No. 477. If the bill is not enacted by June 30, 1987, this appropriation shall lapse.

**PART III**

**NATURAL RESOURCES**

**NEW SECTION. Sec. 301. FOR THE STATE ENERGY OFFICE**

General Fund Appropriation—State	\$	1,788,000
General Fund Appropriation—Federal	\$	16,528,000
General Fund Appropriation—Private/Local	\$	20,000
Geothermal Account Appropriation—Federal	\$	44,000
Building Code Council Account Appropriation	\$	437,000
Total Appropriation	\$	18,817,000

**NEW SECTION. Sec. 302. FOR THE COLUMBIA RIVER GORGE COMMISSION**

General Fund Appropriation—State	\$	530,000
General Fund Appropriation—Private/Local	\$	468,000
Total Appropriation	\$	998,000

The appropriations in this section are subject to the following conditions and limitations: For the 1987-89 fiscal biennium, each state shall provide substantially equal support for commission operations, excluding commission members' compensation and travel expenses.

**NEW SECTION. Sec. 303. FOR THE DEPARTMENT OF ECOLOGY**

General Fund Appropriation—State	\$	44,726,000
General Fund Appropriation—Federal	\$	58,046,000
General Fund Appropriation—Private/Local	\$	398,000
Hazardous Waste Control and Elimination Account Appropriation	\$	2,616,000
Flood Control Account Appropriation	\$	3,998,000
Special Grass Seed Burning Research Account Appropriation	\$	40,000
Reclamation Revolving Account Appropriation	\$	836,000
Emergency Water Project Revolving Account Appropriation: Appropriated pursuant to chapter 1, Laws of 1977 ex. sess.	\$	108,000
Litter Control Account Appropriation	\$	6,395,000
State and Local Improvements Revolving Account—Waste Disposal Facilities: Appropriated pursuant to chapter 127, Laws of 1972 ex.		



sess. (Referendum 26) .....	\$	761,000
State and Local Improvements Revolving Account—Waste Disposal Facilities 1980: Appropriated pursuant to chapter 159, Laws of 1980 (Referendum 39) .....	\$	2,095,000
State and Local Improvements Revolving Account—Water Supply Facilities: Appropriated pursuant to chapter 234, Laws of 1979 ex. sess. (Referendum 38) .....	\$	748,000
Stream Gaging Basic Data Fund Appropriation .....	\$	139,000
Tire Recycling Account Appropriation .....	\$	548,000
Water Quality Account Appropriation .....	\$	2,398,000
Workers and Community Right to Know Fund Appropriation .....	\$	229,000
Total Appropriation .....	\$	124,081,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$8,162,000 of the general fund appropriation is provided solely for the purposes of the state water quality plan, of which \$6,895,000 is provided solely for Puget Sound.

(2) \$715,000 of the general fund appropriation is provided solely for the purposes of solid waste management.

(3) \$2,300,000 of the general fund appropriation is provided solely for the purposes of phasing out the state hazardous waste remedial action sites currently in progress.

(4) \$855,000 of the general fund—state appropriation is provided solely for the purpose of carrying out the timber, fish, and wildlife agreement. If Senate Bill No. 5845 is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

(5) (a) \$275,000 of the general fund—state appropriation is provided solely to contract with the college of ocean and fishery science of the University of Washington to conduct a study of the state's damage assessment methodology for oil spills.

(b) \$25,000 of the general fund—state appropriation and \$50,000 of the hazardous waste control and elimination account appropriation are provided solely for the development of a model oil spill contingency plan to be incorporated in state and local emergency management plans. However, the amount provided in this subsection (b) shall be provided to the department of community development for the plan development.

(6) The conditions and limitations contained in subsection (2) of section 122 of this act shall apply.

**NEW SECTION. Sec. 304. FOR THE ENERGY FACILITY SITE EVALUATION COUNCIL**

General Fund Appropriation—Federal .....	\$	57,000
General Fund Appropriation—Private/Local .....	\$	2,726,000
Total Appropriation .....	\$	2,783,000

**NEW SECTION. Sec. 305. FOR THE STATE PARKS AND RECREATION COMMISSION**

General Fund Appropriation—State .....	\$	35,258,000
General Fund Appropriation—Federal .....	\$	1,000,000
General Fund Appropriation—Private/Local .....	\$	745,000
Trust Land Purchase Account Appropriation .....	\$	8,759,000
Winter Recreation Parking Account Appropriation .....	\$	322,000
Snowmobile Account Appropriation .....	\$	922,000
Public Safety and Education Account .....	\$	10,000
ORV (Off-Road Vehicle) Account Appropriation .....	\$	159,000
Motor Vehicle Fund Appropriation .....	\$	1,000,000
Total Appropriation .....	\$	48,175,000

The appropriations in this section are subject to the following conditions and limitations: \$416,000 of the general fund—state appropriation is provided solely for carrying out the water quality plan.

**NEW SECTION. Sec. 306. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

Outdoor Recreation Account Appropriation—State .....	\$	1,638,000
Outdoor Recreation Account Appropriation—Federal .....	\$	108,000
Total Appropriation .....	\$	1,746,000

The appropriations in this section are subject to the following conditions and limitations: The committee shall coordinate the preparation of a comprehensive guide of recreation trails in the state of Washington. The guide shall include maps showing the location of recreation trails and may also include information regarding available facilities and recreational opportunities. All state agencies that maintain public recreational trails shall cooperate with the preparation of the comprehensive guide. The committee shall also solicit the cooperation of federal agencies that maintain public recreational trails within the state. The committee shall submit a plan for the production and distribution of the guide to the legislature by January 1, 1988.

**NEW SECTION. Sec. 307. FOR THE ENVIRONMENTAL HEARINGS OFFICE**

General Fund Appropriation .....	\$	825,000
----------------------------------	----	---------

**NEW SECTION. Sec. 308. FOR THE CONSERVATION COMMISSION**

General Fund Appropriation .....	\$	602,000
----------------------------------	----	---------

The appropriation in this section is subject to the following conditions and limitations: \$182,000 of the general fund appropriation is provided solely for carrying out the water quality plan.

**NEW SECTION. Sec. 309. FOR THE PUGET SOUND WATER QUALITY AUTHORITY**

General Fund Appropriation	\$	2,910,000
Water Quality Account Appropriation	\$	1,100,000
Total Appropriation	\$	4,010,000

**NEW SECTION. Sec. 310. FOR THE DEPARTMENT OF FISHERIES**

General Fund Appropriation—State	\$	47,570,000
General Fund Appropriation—Federal	\$	15,057,000
General Fund Appropriation—Private/Local	\$	3,651,000
Aquatic Lands Enhancement Account Appropriation	\$	425,000
Total Appropriation	\$	66,703,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$847,000 of the general fund—state appropriation is provided solely for the purpose of carrying out the timber, fish, and wildlife agreement.

(2) \$1,028,000 of the general fund—state appropriation shall be transferred to the department of game and is provided solely for the purpose of carrying out the timber, fish, and wildlife agreement, including necessary data collection, research and monitoring programs which examine the differences, and make provisions for those differences, between eastern and western Washington timber, fish, and wildlife management. No less than \$187,500 of the amount provided to the department of game shall be spent on the department of game's cooperative road closure program and landowner education program in eastern Washington. If Senate Bill No. 5845 is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

(3) The conditions and limitations contained in subsection (2) of section 122 of this act shall apply.

(4) \$4,400,000 of the general fund—state appropriation and \$1,000,000 of the general fund—federal appropriation are provided solely for the marine fish program. If Senate Bill No. 5495 is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

(5) \$400,000 of the general fund—state appropriation is provided solely for the purpose of a comprehensive biological study conducted by the department in conjunction with the University of Washington and Grays Harbor community college to determine what is affecting the survival of salmon in the Grays Harbor area.

(6) \$150,000 of the aquatic land enhancement account appropriation is provided solely for the preparation of an environmental impact statement on the guidelines for the management of salmon net pens in Puget Sound.

(7) \$150,000 of the general fund—state appropriation is provided solely to maintain and operate the Tottle river fish collection facility.

**NEW SECTION. Sec. 311. FOR THE DEPARTMENT OF GAME**

ORV (Off-Road Vehicle) Account Appropriation	\$	257,000
Aquatic Lands Enhancement Account Appropriation	\$	318,000
Public Safety and Education Account Appropriation	\$	515,000
General Fund Appropriation	\$	8,000,000
Game Fund Appropriation—State	\$	36,819,000
Game Fund Appropriation—Federal	\$	15,142,000
Game Fund Appropriation—Private/Local	\$	1,856,000
Game Fund—Special Wildlife Account Appropriation	\$	422,000
Total Appropriation	\$	63,329,000

**NEW SECTION. Sec. 312. FOR THE DEPARTMENT OF NATURAL RESOURCES**

General Fund Appropriation—State	\$	37,191,000
General Fund Appropriation—Federal	\$	78,000
General Fund Appropriation—Private/Local	\$	20,000
ORV (Off-Road Vehicle) Account Appropriation—Federal	\$	3,086,000
Geothermal Account Appropriation—Federal	\$	16,000
Forest Development Account Appropriation	\$	21,136,000
Survey and Maps Account Appropriation	\$	773,000
Landowner Contingency Forest Fire Suppression Account Appropriation	\$	1,636,000
Resource Management Cost Account Appropriation	\$	52,495,000
State Building and Construction Account Appropriation	\$	500,000
Total Appropriation	\$	116,931,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$270,000 of the general fund—state appropriation is provided solely for carrying out the water quality plan.

(2) \$100,000 of the general fund—state appropriation is provided solely for interim relocation of staff presently located in the John A. Cherberg building.

(3) \$3,770,000 of the general fund—state appropriation is provided solely for the purpose of carrying out the timber, fish, and wildlife agreement. If Senate Bill No. 5845 is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

(4) \$600,000 of the general fund—state appropriation is provided solely for the emergency fire suppression subprogram.

(5) \$2,330,000 of the resource management cost account appropriation is provided solely to create an additional one hundred full time equivalent jobs, providing employment opportunities for a total of 200 people, 50 each for a period not to exceed six months, under the provisions of the employment security department's counter-cyclical employment program in section 226 of this act. These jobs shall pay at least eight dollars per hour, excluding benefits. The work performed must provide economic benefits to state trust lands.

**NEW SECTION, Sec. 313. FOR THE DEPARTMENT OF AGRICULTURE**

General Fund Appropriation—State .....	\$	15,793,000
General Fund Appropriation—Federal .....	\$	600,000
Feed and Fertilizer Account Appropriation .....	\$	22,000
Fertilizer, Agricultural, Mineral and Lime Fund Appropriation .....	\$	455,000
Commercial Feed Fund Appropriation .....	\$	409,000
Seed Fund Appropriation .....	\$	979,000
Nursery Inspection Fund Appropriation .....	\$	1,011,000
Livestock Security Interest Account Appropriation .....	\$	34,000
Liquor Revolving Fund Appropriation .....	\$	406,000
Total Appropriation .....	\$	19,347,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$48,000 of the general fund—state appropriation is provided solely for carrying out the water quality plan.

(2) The liquor revolving fund appropriation is provided solely for the purposes of Second Substitute House Bill No. 569.

(3) \$120,000 of the general fund—state appropriation is provided solely for the continuation of the brucellosis vaccination program.

(4) \$25,000 of the general fund—state appropriation is provided solely for the control of starlings as a part of the predatory animal control program.

(5) \$200,000 of the general fund—state appropriation is provided solely for the purpose of controlling noxious weeds.

**NEW SECTION, Sec. 314. FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT**

General Fund Appropriation .....	\$	23,113,000
Motor Vehicle Fund Appropriation .....	\$	532,000
Total Appropriation .....	\$	23,645,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$195,000 of the general fund appropriation is provided solely for contracts with Washington State University small business development center programs.

(2) \$400,000 of the general fund appropriation is provided solely for the small business export finance center.

(3) \$225,000 of the general fund appropriation is provided solely for preparation, if warranted, of a proposal to the federal department of energy that the proposed superconducting supercollider be located in Washington state.

(4) \$8,000,000 of the general fund appropriation is provided solely for the University of Washington for the continuation of the Washington high technology center and the center for international trade in forest products as matching funds to private-sector, federal, and in-kind contributions, on the basis of the following percentages:

(a) Washington high technology center, 50 percent; and nonstate contributions, 50 percent; and

(b) Center for international trade in forest products, 50 percent; and nonstate contributions, 50 percent.

(5) \$106,000 of the general fund—state appropriation is provided solely for the business assistance center as set forth in Substitute Senate Bill No. 5530. If Substitute Senate Bill No. 5530 is not enacted by June 30, 1987, the amount provided by this subsection shall lapse.

(6) The conditions and limitations contained in subsection (2) of section 122 of this act shall apply.

**NEW SECTION, Sec. 315. FOR THE ECONOMIC DEVELOPMENT BOARD**

General Fund Appropriation—State .....	\$	535,000
General Fund Appropriation—Private/Local .....	\$	100,000
Total Appropriation .....	\$	635,000

**NEW SECTION, Sec. 316. FOR THE WASHINGTON CENTENNIAL COMMISSION**

General Fund Appropriation .....	\$	5,070,000
State Centennial Commission Account Appropriation .....	\$	2,540,000
Total Appropriation .....	\$	7,610,000

The appropriations in this section are subject to the following conditions and limitations:

(1) State agencies, at the request of the centennial commission, may develop programs or activities related to the Washington state centennial. Agencies that develop programs or activities in conjunction with the centennial commission shall not charge the commission for overhead or administrative costs.

(2) \$500,000 of the general fund appropriation is provided solely for contracts with Pacific Celebration '89 for exhibits, symposia, and other events aimed at celebrating and studying Washington state's ties to the nations of the Pacific rim. Each \$1.00 of general fund moneys must be matched by at least \$1.60 in private moneys.

(3) The general fund appropriation is intended to be the final state contribution to the funding of the centennial commission.

**NEW SECTION, Sec. 317. FOR THE STATE CONVENTION AND TRADE CENTER**

State Convention and Trade Center Account Appropriation .....	\$	9,320,000
---	----	-----------

**PART IV  
TRANSPORTATION**

**NEW SECTION, Sec. 401. FOR THE STATE PATROL**

Death Investigations Account Appropriation .....	\$	24,000
General Fund Appropriation—State .....	\$	16,388,000
General Fund Appropriation—Federal .....	\$	2,974,000
General Fund Appropriation—Private/Local .....	\$	1,769,000
Total Appropriation .....	\$	21,155,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$471,000 of the general fund—state appropriation is provided solely for state matching funds for federal crime laboratory grants. At least three federal dollars must be spent for each state dollar spent.

(2) \$471,000 of the general fund—state appropriation is provided solely for state matching funds for federal narcotics grants. At least three federal dollars must be spent for each state dollar spent.

(3) \$1,000,000 of the general fund—state appropriation is provided solely to establish a separate unit to provide expertise in the investigation of major crimes and to provide assistance to law enforcement entities throughout the state at their request. The department shall develop a computer data base and record system to store crime scene information to assist in major crimes investigations and to make such data readily available to all law enforcement agencies. The chief of the state patrol shall contract with the Green river task force to develop the expertise for these activities. A maximum of \$100,000 may be expended for this purpose.

**NEW SECTION, Sec. 402. FOR THE DEPARTMENT OF LICENSING**

General Fund Appropriation .....	\$	15,466,000
Architects' License Account Appropriation .....	\$	765,000
Health Professions Account Appropriation .....	\$	9,414,000
Medical Disciplinary Account Appropriation .....	\$	1,195,000
Professional Engineers' Account Appropriation .....	\$	1,207,000
Real Estate Commission Account Appropriation .....	\$	4,936,000
Total Appropriation .....	\$	32,983,000

The appropriations in this section are subject to the following conditions and limitations:

(1) A maximum of \$426,000 from the health professions account appropriation may be used to contract with the board of pharmacy for drug-related investigations regarding licensed health care professionals.

(2) \$750,000 of the general fund appropriation is provided solely for expansion of the master license system. This funding is contingent on interagency transfers totaling \$548,000 in value. The office of financial management shall determine: (a) Which agencies shall make transfers to the department of licensing; (b) how much each agency shall transfer; and (c) whether the transfers shall be money or in-kind.

**PART V  
EDUCATION**

**NEW SECTION, Sec. 501. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR STATE ADMINISTRATION**

General Fund Appropriation—State .....	\$	17,851,000
General Fund Appropriation—Federal .....	\$	10,683,000
Public Safety and Education Account Appropriation .....	\$	465,000
Total Appropriation .....	\$	28,999,000

The appropriations in this section are subject to the following conditions and limitations: The conditions and limitations contained in subsection (2) of section 122 of this act shall apply.

**NEW SECTION, Sec. 502. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR EDUCATIONAL SERVICE DISTRICTS**

General Fund Appropriation .....	\$	10,010,000
----------------------------------	----	------------

The appropriation in this section is subject to the following conditions and limitations: The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.21.088 (3) and (4).

**NEW SECTION. Sec. 503. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR GENERAL APPORTIONMENT (BASIC EDUCATION)**

General Fund Appropriation .....	\$	3,749,465,000
Revenue Accrual Account Appropriation .....	\$	30,000,000
Total Appropriation .....	\$	3,779,465,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$367,646,000 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 505(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 506 of this act, and excluding full time equivalent enrollment otherwise recognized for certificated staff unit allocations under (d) through (i) of this subsection:
    - (i) Forty-six 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) Four additional certificated instructional staff unit for each average annual one thousand full time equivalent kindergarten through third grade students, excluding handicapped full time equivalent enrollment as calculated under section 506 of this act, and excluding full time equivalent enrollment otherwise recognized for certificated staff unit allocations in subsections (d) through (i) of this section: PROVIDED, That the amount of moneys provided by this subsection which would otherwise permit a district's ratio of certificated instructional staff units per each average annual one thousand full time equivalent kindergarten through third grade students to exceed 50:1000 shall be expended by that district to make further improvements in class size certificated instructional staff units per pupil in grades K-12.
  - (c) 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 share that such increase would have generated had such additional full time equivalent students been included in the normal enrollment count for that particular month.
  - (d) 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each 16.67 annual average full time equivalent students enrolled in a vocational education program, including skills center programs, approved by the superintendent of public instruction.
  - (e) 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.
  - (f) 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 sixty 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 twenty annual average full time equivalent students in grades seven and eight, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units.
  - (g) 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.
  - (h) 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.

(l) 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 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per forty-three and one-half 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 505(2)(x) of this act by the district's formula-generated classified staff units determined as follows:

(a) One classified staff unit per each three certificated staff units allocated under subsections (2)(a) (i) and (ii), (b), and (d) through (h) of this section.

(b) One classified staff unit for each sixty full time equivalent vocational students enrolled.

(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) (i) and (ii), (c), and (e) through (i) 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)(d) 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 \$3,176,000 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 \$1,121,000 may be expended in fiscal year 1989.

(c) A maximum of \$272,000 may be expended for school district emergencies.

(9) For the purposes of section 1 of Senate Bill No. 5909, the increase per full time equivalent student in the state basic education appropriation provided under this section is 4.4 percent between the 1986-87 and 1987-88 school years, and 3.8 percent between the 1987-88 and 1988-89 school years.

(10) For remote and necessary school plants on islands without scheduled transportation which are sole school plants serving students in elementary grades on these islands, not more than \$156,000 may be expended in fiscal year 1988 and not more than \$156,000 may be expended in fiscal year 1989 to enhance funding provided in subsections (2) through (9) of this section.

(11) The revenue accrual account appropriation is provided solely for employer contributions to the teachers' retirement system.

NEW SECTION. Sec. 504. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—BLOCK GRANTS

General Fund Appropriation . . . . . \$ 60,000,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The purpose of this section 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.

(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:

(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 have high schools with sixty or fewer full-time equivalent students, the grant shall be based on sixty full-time equivalent students.

(3) For the 1987-89 biennium, each school district shall receive, in addition to the basic education allocation, a grant of no less than \$82.00 per full time equivalent student.

(4) 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. Local district boards may use existing advisory committees for the purposes of this chapter, so long as the advisory committee is representative of administrators, teachers, and citizens. 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.

(5) Each advisory committee shall be responsible for:

(a) Assessing the needs of the schools within the district;

(b) Assigning priority to addressing the identified needs;

(c) Preparing a comprehensive two-year plan to address the priority needs identified by the committee within the grant funding limitations;

(d) Developing an evaluation methodology to assess specifically how the expenditure of the grants demonstrate a direct educational benefit to the pupils within the district.

(6) Each advisory committee shall submit its plan to the local school board for approval. Upon approval the local board shall submit the initial 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.

(7) New or existing programs enhanced by the funds provided to districts by a grant under this chapter shall not become a part of the state's basic education obligation as set forth by the Constitution.

(8) Funding appropriated and plans developed by advisory committees shall not be subject to collective bargaining.

(9) No school district board of directors may grant salary and compensation increases from a grant under this chapter 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.

(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:

(a) Innovative programs to increase the adult-pupil ratio without increasing the number of certificated staff, including but not limited to:

(i) Providing stipends to competent retired teachers to return them to the classroom as "team teachers" or classroom assistants;

(ii) Providing stipends to teachers' aides;

(iii) Providing incentives to administrators who spend a portion of their work day in the classroom team teaching or providing classroom assistance;

(iv) Providing recognition to citizen volunteers who assist in the classroom;

(v) Providing training programs for classroom assistants, including volunteers; and

(vi) Purchasing equipment that directly relates to classroom instruction or assists the teacher in minimizing time away from teaching.

(b) 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.
- (c) 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.
  - (d) 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;
      - (iii) Nutritional programs;
      - (iii) Parental participation programs; and
      - (iv) Child day-care programs.
    - (e) In-service training programs for staff development including, but not limited to:
      - (i) Funding speakers 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.
    - (f) Programs that develop and promote logical reasoning and improved analytical skills.
  - (11) Stipends may be awarded under RCW 28A.58.093 to certificated or classified staff who assume extra duties that specifically relate to any activities included in subsection (10) of this section.

(12) Local districts are authorized to hire certificated instructional and classified staff on a noncontinuing contract to perform duties that specifically relate to activities included in subsection (10) of this section.

(13) Small or rural districts may enter into cooperative agreements to provide educational enhancements through the sharing of grant funds.

(14) The superintendent of public instruction shall make a comprehensive report to the legislature on the use of the local district grants and the educational benefits derived therefrom by January 31, 1989.

**NEW SECTION. Sec. 505. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—SCHOOL DISTRICT EMPLOYEE COMPENSATION**  
 General Fund Appropriation . . . . . \$ 106,004,372

For the purposes of section 503 of this act and this section, the following conditions and limitations apply:

(1)(a) "LEAP Document 10A" means the computer tabulation of 1986-87 derived base salaries for basic education certificated instructional staff, 1986-87 average salaries for basic education certificated administrative staff, and 1986-87 average salaries for basic education classified staff, as developed by the legislative evaluation and accountability program committee on March 23, 1987, at 11:30 hours.

(b) "LEAP Document 1" means the computer tabulation of staff mix factors characterizing certificated staff by educational experience and years of service, as developed by the legislative evaluation and accountability program committee on April 20, 1981, at 11:35 hours.

(c) "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 this section.

(2) (a) For the purposes of the appropriation in section 503 of this act, each district's average basic education certificated instructional salary allocation shall be the district's derived base salary as shown on LEAP Document 10A, multiplied by the district's prior year staff mix factor for basic education certificated instructional staff calculated using LEAP Document 1.

(b) For the purposes of the appropriation in section 503 of this act, each district's average basic education certificated administrative salary allocation and each district's average basic education classified salary allocation shall be the amounts shown on LEAP Document 10A.

(3) (a) \$65,298,000 is provided to increase funding for each basic education certificated instructional staff unit allocated under section 503(2) of this act by an amount equal to the district's prior year staff mix factor for basic education certificated instructional staff, determined using LEAP Document 1, multiplied by 3.0 percent of the state-wide average derived base salary shown on LEAP Document 10A for certificated instructional staff, and for incremental fringe benefits, effective January 1, 1988, and an additional 3.0 percent salary increase effective January 1, 1989.

(b) \$23,851,000 is provided to increase funding for each basic education certificated administrative and classified staff unit allocated under section 503 (2) and (3) of this act by 3.0



percent of the respective state-wide average salary shown on LEAP Document 10A, and for incremental fringe benefits, effective January 1, 1988, and an additional 3.0 percent salary increase effective January 1, 1989.

(4) A maximum of \$6,254,000 is provided to implement salary and insurance benefit increases of 3.0 percent effective January 1, 1988 and 3.0 percent effective January 1, 1989 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.

(5) A maximum of \$10,601,000 is provided for salary increases and incremental fringe benefits for state-supported certificated and classified staff allocations in the handicapped program and state-supported staff in institutional education programs and educational service districts. Such moneys shall be distributed to implement maximum salary increases of 3.0 percent effective January 1, 1988, and 3.0 percent effective January 1, 1989.

**NEW SECTION, Sec. 506. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR HANDICAPPED EDUCATION PROGRAMS**

General Fund Appropriation—State .....	\$	407,910,000
General Fund Appropriation—Federal .....	\$	45,318,000
Total Appropriation .....	\$	453,228,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$38,790,079 of the general fund—state appropriation is provided solely for the remaining months of the 1986-87 school year.

(2) The superintendent of public instruction shall distribute state funds for the 1987-88 and 1988-89 school years in accordance with a district's actual handicapped enrollments and the allocation model established in LEAP Document 9 as developed by the legislative evaluation and accountability program committee on March 17, 1987, at 11:07 hours.

(3) A maximum of \$411,000 may be expended from the general fund—state appropriation to fund 4.66 FTE staff and one aide at Children's Orthopedic Hospital and Medical Center. This amount is in lieu of money provided through home and hospital allocation and the handicapped program.

(4) From state or federal funds appropriated under this section, sections 203, 205, and/or 206 of this act, the superintendent of public instruction shall in conjunction with the department of social and health services implement plans to meet the educational and/or residential needs in Washington state of serious behaviorally disabled youth and of troubled deaf youth.

(5) From state or federal funds appropriated under this section, the superintendent of public instruction shall allocate a total of \$130,000 for the early childhood home instruction program for hearing impaired and their families.

**NEW SECTION, Sec. 507. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR INSTITUTIONAL EDUCATION PROGRAMS**

General Fund Appropriation—State .....	\$	20,126,000
General Fund Appropriation—Federal .....	\$	7,034,000
Total Appropriation .....	\$	27,160,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,577,000 of the general fund—state appropriation is provided solely for the remaining months of the 1986-87 school year.

(2) \$10,220,000 of the general fund—state appropriation is provided solely for the 1987-88 school year, distributed as follows:

(a) \$4,171,000 is provided solely for programs in state institutions for the handicapped or emotionally disturbed. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of \$10,401 per full time equivalent student.

(b) \$3,020,000 is provided solely for programs in state institutions for delinquent youth. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of \$5,481 per full time equivalent student.

(c) \$376,000 is provided solely for programs in state group homes for delinquent youth. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of \$3,544 per full time equivalent student.

(d) \$569,000 is provided solely for juvenile parole learning center programs. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of \$1,409 per full time equivalent student, and are in addition to moneys allocated for these students through the basic education formula established in section 503 of this act.

(e) \$2,084,000 is provided solely for programs in county detention centers. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of \$4,071 per full time equivalent student.

(3) Distribution of state funding for the 1988-89 school year shall be based upon the following overall limitations for that school year including expenditures anticipated for July and August of 1989:

(a) State funding for programs in state institutions for the handicapped or emotionally disturbed may be distributed at a maximum rate averaged over all of these programs of \$10,393

per full time equivalent student and a total allocation of no more than \$3,773,000 for that school year.

(b) State funding for programs in state institutions for delinquent youth may be distributed at a maximum rate averaged over all of these programs of \$5,486 per full time equivalent student and a total allocation of no more than \$2,935,000 for that school year.

(c) State funding for programs in state group homes for delinquent youth may be distributed in that school year at a maximum rate averaged over all of these programs of \$3,554 per full time equivalent student and a total allocation of no more than \$377,000 for that school year.

(d) State funding for juvenile parole learning center programs may be distributed at a maximum rate averaged over all of these programs of \$1,400 per full time equivalent student and a total allocation of no more than \$566,000 for that school year, excluding funds provided through the basic education formula established in section 503 of this act.

(e) State funding for programs in county detention centers may be distributed at a maximum rate averaged over all of these programs of \$4,081 per full time equivalent student and a total allocation of no more than \$2,089,000 for that school year.

(4) The superintendent of public instruction may distribute a maximum of \$153,000 from the general fund—state appropriation to supplement moneys provided under subsections (1) through (3) of this section, for the purpose of addressing enrollment variations or other program needs.

**NEW SECTION, Sec. 508. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR TRANSITIONAL BILINGUAL PROGRAMS**

General Fund Appropriation ..... \$ 11,294,000

The appropriation in this section is subject to the following conditions and limitations:

- (1) \$1,130,000 is provided solely for the remaining months of the 1986-87 school year.
- (2) The superintendent shall distribute funds for the 1987-88 and 1988-89 school years at a rate for each year of \$426 per eligible student.

**NEW SECTION, Sec. 509. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE REMEDIATION ASSISTANCE PROGRAM**

General Fund Appropriation—State ..... \$ 37,864,000

General Fund Appropriation—Federal ..... \$ 10,000,000

Total Appropriation ..... \$ 47,864,000

The appropriations in this section are 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 remediation programs serving grades two through nine shall be distributed during the 1987-88 and 1988-89 school years at a maximum rate of \$348 per unit as calculated pursuant to this subsection. The number of units for each school district shall be the sum of: (a) The number of students enrolled in grades two through six in the district multiplied by the percentage of students taking the fourth grade basic skills test in the previous year who scored in the lowest quartile as compared to national norms, and then reduced to the extent that the number of students ages seven through eleven in the district who are identified as specific learning disabled and served through programs established pursuant to chapter 28A.13 RCW exceeds four percent of the district full time equivalent enrollment in grades two through six; and (b) the number of students enrolled in grades seven through nine in the district multiplied by the percentage of students taking the eighth grade basic skills test in the previous year who scored in the lowest quartile as compared to national norms, and then reduced to the extent that the number of students ages twelve through fourteen in the district who are identified as specific learning disabled and served through programs established pursuant to chapter 28A.13 RCW exceeds four percent of the district full time equivalent enrollment in grades seven through nine.

**NEW SECTION, Sec. 510. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS**

General Fund Appropriation ..... \$ 5,248,000

The appropriation in this section is subject to the following conditions and limitations:

- (1) \$481,512 is provided solely for distribution to school districts for the remaining months of the 1986-87 school year.
- (2) A maximum of \$2,464,320 may be expended by school district programs for highly capable students during the 1987-88 school year, distributed at a maximum rate of \$340 per student for up to one percent of each district's 1987-88 full time equivalent enrollment.
- (3) A maximum of \$2,591,784 may be expended in school district programs for highly capable students in the 1988-89 school year, at a maximum rate of \$343 per student for up to one percent of each district's 1988-89 full time equivalent enrollment.
- (4) A maximum of \$286,000 is provided to contract for an approved gifted program 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.

**NEW SECTION. Sec. 511. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE ENUMERATED PURPOSES**

General Fund Appropriation—Federal .....	\$	123,866,000
(1) Education Consolidation and Improvement Act .....	\$	120,554,000
(2) Education of Indian Children .....	\$	290,000
(3) Adult Basic Education .....	\$	3,022,000

**NEW SECTION. Sec. 512. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR VOCATIONAL-TECHNICAL INSTITUTES AND ADULT EDUCATION AT VOCATIONAL-TECHNICAL INSTITUTES**

General Fund Appropriation .....	\$	73,804,000
----------------------------------	----	------------

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. 513. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SPECIAL AND PILOT PROGRAMS**

General Fund Appropriation—State .....	\$	6,084,000
--	----	-----------

The appropriation in this section is subject to the following conditions and limitations:

- (1) \$855,000 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. The Pacific Science Center shall encourage the equitable distribution of program activities state-wide. The center shall also determine the extent to which the state-wide need for science enrichment for K-12 students and teachers is being met by the outreach programs partially funded by this appropriation. The Pacific Science Center shall examine the geographical and demographic distribution of the populations served by these activities and recommend methods for efficiently reaching underserved student and teacher populations. These findings and recommendations shall be reported to the legislature by July 1, 1988.
- (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) \$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 or Substitute House Bill No. 457. If neither bill is enacted by June 30, 1987, this amount shall lapse.
- (4) \$2,900,000 of the general fund—state appropriation is provided solely for the beginning teachers assistance program established under House Bill No. 485 or Substitute Senate Bill No. 5622. If neither bill is enacted by June 30, 1987, this amount shall lapse.
- (5) \$225,000 of the general fund appropriation is provided solely to implement Engrossed Second Substitute Senate Bill No. 5252.

**NEW SECTION. Sec. 514. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR CAREER LADDER**

General Fund Appropriation .....	\$	4,000,000
----------------------------------	----	-----------

The appropriation in this section is subject to the following conditions and limitations: \$4,000,000 is provided solely for the purpose of awarding grants to local school districts in the state for career ladder pilot projects which meet the conditions and limitations set forth in Senate Bill No. 5726. If Senate Bill No. 5726 is not enacted by June 30, 1987, the amount provided in this section shall lapse.

**NEW SECTION. Sec. 515. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR EDUCATIONAL CLINICS**

General Fund Appropriation .....	\$	2,212,000
----------------------------------	----	-----------

The appropriation in this section is subject to the following conditions and limitations: Not more than \$1,088,000 of this appropriation shall be expended during fiscal year 1988.

**NEW SECTION. Sec. 516. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PUPIL TRANSPORTATION**

General Fund Appropriation .....	\$	217,528,000
----------------------------------	----	-------------

The appropriation in this section is subject to the following conditions and limitations:

- (1) \$20,272,000 is provided solely for distribution to school districts for the remaining months of the 1986-87 school year.
- (2) A maximum of \$96,075,000 may be distributed for pupil transportation operating costs in the 1987-88 school year.

(3) A maximum of \$800,000 may be expended for regional transportation coordinators.

(4) A maximum of \$60,000 may be expended for bus driver training.

**NEW SECTION. Sec. 517. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR TRAFFIC SAFETY EDUCATION PROGRAMS**

Public Safety and Education Account Appropriation . . . . . \$ 13,391,000

The appropriation in this section is subject to the following conditions and limitations: Not more than \$565,000 may be expended for regional traffic safety education coordinators.

**NEW SECTION. Sec. 518. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL FOOD SERVICE PROGRAMS**

General Fund Appropriation—State . . . . . \$ 6,000,000

General Fund Appropriation—Federal . . . . . \$ 68,154,000

Total Appropriation . . . . . \$ 74,154,000

**NEW SECTION. Sec. 519. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL DISTRICT SUPPORT**

General Fund Appropriation—State . . . . . \$ 1,291,000

General Fund Appropriation—Federal . . . . . \$ 4,264,000

Total Appropriation . . . . . \$ 5,555,000

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) \$145,000 of the general fund—state appropriation is provided solely for teacher training workshops conducted by the Pacific Science Center.

(3) \$877,000 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.

**NEW SECTION. Sec. 520. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR ENCUMBRANCES OF FEDERAL GRANTS**

General Fund Appropriation—Federal . . . . . \$ 24,085,000

**NEW SECTION. Sec. 521. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE STATE SCHOOL FOR THE DEAF**

General Fund Appropriation—State . . . . . \$ 9,613,000

General Fund Appropriation—Federal . . . . . \$ 148,000

Total Appropriation . . . . . \$ 9,761,000

**NEW SECTION. Sec. 522. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE STATE SCHOOL FOR THE BLIND**

General Fund Appropriation . . . . . \$ 5,201,000

**NEW SECTION. Sec. 523. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—LOCAL EFFORT ASSISTANCE**

General Fund Appropriation . . . . . \$ 21,510,000

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 Substitute Senate Bill No. 5909. If the bill is not enacted by June 30, 1987, this appropriation shall lapse.

## PART VI

### HIGHER EDUCATION

**NEW SECTION. Sec. 601.** The appropriations in sections 602 through 608 of this act are subject to the following conditions and limitations:

(1)(a) 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 602 through 608 of this act.

(b) Each four-year institution of higher education and the state board for community college education shall create in their general local fund a competitive faculty salary account into which shall be deposited the additional student operating fee revenue generated by the salary increases provided under sections 602 through 608 of this act.

(c) The office of financial management shall determine, by August 1, 1989, the amount of student operating fee revenues to be deposited into the competitive faculty salary account at each institution of higher education and at the state board for community college education. The remaining student operating fee revenue shall be deposited in the general fund as provided in RCW 28B.15.031. If the office of financial management determines that funds on deposit in any institution's competitive faculty salary account exceed the amount needed to meet legislative intent as stated in this act, the excess amount shall be returned to the general fund.

(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	\$	7,918
Washington State University	\$	6,547
Central Washington University, Eastern Washington University, The Evergreen State College, and Western Washington University:		
The first 3000 FTE Students	\$	6,008
Each Student over 3000 FTE	\$	3,939
State Board for Community College Education	\$	2,837

(3) 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.

(4) 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 January 31, 1988:

University of Washington	\$	2,701,000
Washington State University	\$	1,493,000
Central Washington University	\$	311,000
Eastern Washington University	\$	345,000
The Evergreen State College	\$	116,000
Western Washington University	\$	395,000
State Board for Community College Education	\$	2,247,000

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.

(5) 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 departmental 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	\$	23,610,000
Washington State University	\$	11,620,000
Central Washington University	\$	2,900,000
Eastern Washington University	\$	3,250,000
The Evergreen State College	\$	1,325,000
Western Washington University	\$	3,750,000
State Board for Community College Education	\$	18,630,000

These amounts are intended to provide full time 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:

	February 1, 1988	February 1, 1989
University of Washington	13.1%	4.0%
Washington State University	12.5%	4.0%
Central Washington University	10.7%	4.0%
Eastern Washington University	10.7%	4.0%
The Evergreen State College	10.7%	4.0%
Western Washington University	10.7%	4.0%
State Board for Community College Education	8.8%	4.0%

Part time faculty and 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 February 1, 1988, and an average 3 percent salary increase effective February 1, 1989.

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 part time faculty and exempt staff or a like amount in dollars to all part time faculty and exempt staff or any combination thereof. The combined increases authorized in this paragraph, however, shall not exceed the average salary increase provided to full time faculty at the respective institution.

(6) Any institution that grants an average salary increase in excess of the amounts authorized in subsection (4) of this section is ineligible to receive any funds appropriated for salary increases in sections 602 through 608 of this act. The office of financial management shall adjust an institution's allotment as necessary to enforce the restrictions imposed by this section.

<b>NEW SECTION, Sec. 602. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION</b>	
General Fund Appropriation	\$ 542,412,209

The appropriation in this section is subject to the following conditions and limitations:

(1) \$257,079,115 is provided solely for the instruction program.

(2) In addition to the salary increases provided to community college faculty enumerated in section 601(5) of this act, \$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 Colleges 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

(5) \$23,597,820 is provided solely for equipment.

(6) \$3,119,000 is provided solely for the enhancement of the plant operations and maintenance program.

(7) \$5,000,000 is provided solely for the improvement of the basic skills/adult literacy program, including expenditures for assessment.

**NEW SECTION. Sec. 603. FOR THE UNIVERSITY OF WASHINGTON**

General Fund Appropriation	\$	523,400,121
Medical Aid Fund Appropriation	\$	2,553,366
Accident Fund Appropriation	\$	2,553,366
Death Investigations Account Appropriation	\$	594,225
Total Appropriation	\$	529,101,078

The appropriations in this section are subject to the following conditions and limitations:

(1) \$254,378,115 from the general fund appropriation is provided solely for the instruction program.

(2) \$25,000,000 of the general fund appropriation is provided solely for the improvement of instructional support. For the purposes of this subsection, "instructional support" means the instruction, primary support, and library programs, excluding faculty and research assistants' salaries and benefits, and direct instructional costs.

(3) \$11,017,043 of the general fund appropriation is provided solely for equipment.

(4) At least \$500,000 of the general fund appropriation shall be spent for the implementation of a minority recruitment program which identifies potential minority students at the junior high and high school level and provides the necessary assistance to increase the probability of their enrolling at the university. None of the funds in this subsection shall be expended until the higher education coordinating board has approved the program plan.

(5) \$3,002,000 of the general fund appropriation is provided solely for the enhancement of the plant operations and maintenance program.

(6) \$349,000 is provided solely for streamside management in forests.

**NEW SECTION. Sec. 604. FOR WASHINGTON STATE UNIVERSITY**

General Fund Appropriation	\$	290,797,270
----------------------------	----	-------------

The appropriation in this section is subject to the following conditions and limitations:

(1) \$111,255,241 is provided solely for the instruction program.

(2) \$8,500,000 is provided solely for the improvement of instructional support. For the purposes of this subsection, "instructional support" means the instruction, primary support, and library programs, excluding faculty and research assistants' salaries and benefits, and direct instructional costs.

(3) \$4,950,224 is provided solely for equipment.

(4) At least \$300,000 shall be spent for the implementation of a minority recruitment program which identifies potential minority students at the junior high and high school level and provides the necessary assistance to increase the probability of their enrolling at the university. None of the funds in this subsection shall be expended until the higher education coordinating board has approved the program plan.

(5) \$1,946,000 is provided solely for the enhancement of the plant operations and maintenance program.

(6) \$1,500,000 is provided solely to improve the faculty rank mix. None of the funds in this subsection shall be used for salary increases for incumbent faculty without promotion.

(7) \$300,000 is provided to Washington State University to continue the Yakima nursing training program.

(8) \$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.

(9) \$1,965,000 is provided solely for the state's share of salaries for state employees who are supported in full or in part through federal land grant formula funds.

(10) \$426,750 is provided solely for start-up and operation of the health research and education center in Spokane.

(11) \$750,000 is provided solely to double the capacity of the Washington higher education telecommunication system (WHETS).

NEW SECTION. Sec. 605. FOR EASTERN WASHINGTON UNIVERSITY

General Fund Appropriation ..... \$ 80,193,214

The appropriation in this section is subject to the following conditions and limitations:

(1) \$35,325,588 is provided solely for the instruction program.  
 (2) \$1,000,000 is provided solely for the improvement of instructional support. For the purposes of this subsection, "instructional support" means the instruction, primary support, and library programs, excluding faculty and research assistants' salaries and benefits, and direct instructional costs.

(3) \$1,214,237 is provided solely for equipment.

(4) At least \$200,000 shall be spent for the implementation of a minority recruitment program which identifies potential minority students at the junior high and high school level and provides the necessary assistance to increase the probability of their enrolling at the university. None of the funds in this subsection shall be expended until the higher education coordinating board has approved the program plan.

(5) \$519,000 is provided solely for the enhancement of the plant operations and maintenance program.

(6) \$150,000 is provided solely for start-up and operation of the health research and education center in Spokane.

NEW SECTION. Sec. 606. FOR CENTRAL WASHINGTON UNIVERSITY

General Fund Appropriation ..... \$ 69,830,657

The appropriation in this section is subject to the following conditions and limitations:

(1) \$30,726,839 is provided solely for the instruction program.

(2) \$1,000,000 is provided solely for the improvement of instructional support. For the purposes of this subsection, "instructional support" means the instruction, primary support, and library programs, excluding faculty and research assistants' salaries and benefits, and direct instructional costs.

(3) \$1,064,837 of the general fund appropriation is provided solely for equipment.

(4) At least \$150,000 shall be spent for the implementation of a minority recruitment program which identifies potential minority students at the junior high and high school level and provides the necessary assistance to increase the probability of their enrolling at the university. None of the funds in this subsection shall be expended until the higher education coordinating board has approved the program plan.

(5) \$544,000 is provided solely for the enhancement of the plant operations and maintenance program.

(6) \$2,000,000 is provided solely for the replacement and upgrading of the institution's telecommunications system.

NEW SECTION. Sec. 607. FOR THE EVERGREEN STATE COLLEGE

General Fund Appropriation ..... \$ 39,272,668

The appropriation in this section is subject to the following conditions and limitations:

(1) \$14,702,159 is provided solely for the instruction program.

(2) \$957,668 is provided solely for equipment.

(3) At least \$100,000 shall be spent for the implementation of a minority recruitment program which identifies potential minority students at the junior high and high school level and provides the necessary assistance to increase the probability of their enrolling at the college. None of the funds in this subsection shall be expended until the higher education coordinating board has approved the program plan.

(4) \$357,000 is provided solely for the enhancement of the plant operations and maintenance program.

(5) \$400,000 of the general fund appropriation is provided solely for the Washington state center for the improvement of the quality of undergraduate education.

(6) \$300,000 of the general fund appropriation is provided solely for summer seminars in coordination with the national faculty of humanities, arts and sciences to improve the quality of teaching in high schools and community colleges.

NEW SECTION. Sec. 608. FOR WESTERN WASHINGTON UNIVERSITY

General Fund Appropriation ..... \$ 87,451,173

The appropriation in this section is subject to the following conditions and limitations:

(1) \$43,948,280 is provided solely for the instruction program.

(2) \$2,500,000 is provided solely for the improvement of instructional support. For the purposes of this subsection, "instructional support" means the instruction, primary support, and library programs, excluding faculty and research assistants' salaries and benefits, and direct instructional costs.

(3) \$2,632,995 is provided solely for equipment.

(4) At least \$200,000 of the general fund appropriation shall be spent for the implementation of a minority recruitment program which identifies potential minority students at the junior high and high school level and provides the necessary assistance to increase the probability of

their enrolling at the university. None of the funds in this subsection shall be expended until the higher education coordinating board has approved the program plan.

(5) \$512,000 is provided solely for the enhancement of the plant operations and maintenance program.

(6) \$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	\$	52,302,000
General Fund Appropriation—Federal	\$	3,471,000
State Educational Grant Appropriation	\$	40,000
Total Appropriation	\$	55,813,000

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 \$18,172,000 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) \$650,000 of the general fund—state appropriation is provided solely for 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 projects submitted for educational improvements in one or more of the areas listed below in priority order:

(a) The quality of the teaching and learning environment at the undergraduate level;

(b) The assessment of the effectiveness of institutions in achieving educational goals;

(c) The number of students from targeted populations participating at and matriculating from institutions of higher education;

(d) 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 program. The grants shall not be used to supplant funds currently available for such purposes.

**NEW SECTION, Sec. 610. FOR WASHINGTON STATE LIBRARY**

General Fund Appropriation—State	\$	9,249,552
General Fund Appropriation—Federal	\$	4,399,281
General Fund Appropriation—Private/Local	\$	633,951
Western Library Network Computer System Revolving Fund Appropriation—Private/Local	\$	13,296,302
Total Appropriation	\$	27,579,086

**NEW SECTION, Sec. 611. FOR THE COMPACT FOR EDUCATION**

General Fund Appropriation	\$	84,500
----------------------------	----	--------

**NEW SECTION, Sec. 612. FOR THE COMMISSION FOR VOCATIONAL EDUCATION**

General Fund Appropriation—State	\$	4,607,243
General Fund Appropriation—Federal	\$	22,561,518
Total Appropriation	\$	27,168,761

The appropriations in this section are subject to the following conditions and limitations: No state funds may be used by the advisory council for vocational education.

**NEW SECTION, Sec. 613. FOR THE HIGHER EDUCATION PERSONNEL BOARD**

Higher Education Personnel Board Service Fund Appropriation	\$	1,947,327
---	----	-----------

**NEW SECTION, Sec. 614. FOR THE WASHINGTON STATE ARTS COMMISSION**

General Fund Appropriation—State	\$	3,189,109
General Fund Appropriation—Federal	\$	702,760
Total Appropriation	\$	3,891,869

The appropriations in this section are subject to the following conditions and limitations:

(1) \$400,000 of the general fund—state appropriation shall be spent on a state-wide stabilization program for arts organizations which have annual budgets exceeding \$200,000.

(2) \$500,000 of the general fund—state appropriation shall be spent on the cultural enrichment program.

**NEW SECTION, Sec. 615. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

General Fund Appropriation	\$	710,358
----------------------------	----	---------

**NEW SECTION, Sec. 616. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY**

General Fund Appropriation—State	\$	684,509
General Fund Appropriation—Federal	\$	87,554
Total Appropriation	\$	772,063

**NEW SECTION, Sec. 617. FOR THE STATE CAPITOL HISTORICAL ASSOCIATION**

General Fund Appropriation	\$	746,107
State Capitol Historical Association Museum Account Appropriation	\$	117,012
Total Appropriation	\$	863,119



PART VII  
SPECIAL APPROPRIATIONS

NEW SECTION, Sec. 701. FOR THE GOVERNOR—COMPENSATION SALARY AND INSURANCE BENEFITS

General Fund Appropriation—State .....	\$ 56,783,000
General Fund Appropriation—Federal .....	\$ 9,645,000
Special Fund Salary and Insurance Contribution	
Increase Revolving Fund Appropriation .....	\$ 27,535,000
Total Appropriation .....	\$ 93,963,000

The appropriations in this section, or so much thereof as may be necessary, shall be expended exclusively for the purposes designated in this section and are subject to the conditions and limitations specified in this section.

(1) \$41,660,000 of the general fund—state appropriation, \$9,645,000 of the general fund—federal appropriation, and \$25,479,000 of the special fund salary and insurance contribution increase revolving fund appropriation are provided for a 3.0 percent salary increase effective January 1, 1988, and an additional 3.0 percent salary increase effective January 1, 1989, for state personnel board classified and exempt employees, higher education personnel board classified employees, and higher education exempt employees employed by the higher education coordinating board and the higher education personnel board. These increases shall be implemented in compliance and conformity with all requirements of the comparable worth agreement ratified by 1986 Senate Concurrent Resolution No. 126.

(2) \$123,000 of the general fund—state appropriation and \$2,056,000 of the special fund salary and insurance contribution increase revolving fund appropriation are provided for a 3.0 percent salary increase effective January 1, 1988, and an additional 3.0 percent salary increase effective January 1, 1989, for commissioned officers of the Washington state patrol.

(3) The governor shall allocate to state agencies from the general fund—state appropriation \$5,000,000 for fiscal year 1988 and \$10,000,000 for fiscal year 1989, and from the special fund salary and insurance contribution increase revolving fund appropriation \$3,100,000 for fiscal year 1988 and \$6,200,000 for fiscal year 1989 to fulfill the 1987-89 obligations of the comparable worth agreement ratified by 1986 Senate Concurrent Resolution No. 126.

(4) (a) The monthly contributions for insurance benefits shall not exceed \$167.00 per eligible employee.

(b) Any returns of funds to the state employees' insurance board resulting from favorable claims experienced during the 1987-89 biennium shall be held in reserve within the state employees insurance fund until appropriated by the legislature.

(c) Funds provided under this section, including funds resulting from dividends or refunds, shall not be used to increase employee insurance benefits over the level of services provided on the effective date of this act. Contributions by any county, municipal, or other political subdivision to which coverage is extended after the effective date of this act shall not receive the benefit of any surplus funds attributable to premiums paid prior to the date on which coverage is extended.

(5) To facilitate the transfer of moneys from dedicated funds and accounts, the state treasurer is directed to transfer sufficient moneys from each dedicated fund or account to the special fund salary and insurance contribution increase revolving fund in accordance with schedules provided by the office of financial management.

(6) In calculating individual agency allocations for this section, the office of financial management shall calculate the allocation of each subsection separately. The separate allocations for each agency may be combined under a single appropriation code for improved efficiency. The office of financial management shall transmit a list of agency allocations by subsection to the committees on ways and means of the senate and house of representatives.

NEW SECTION, Sec. 702. FOR THE GOVERNOR—EVERETT HOMEPORT

General Fund Appropriation—State .....	\$ 10,470,038
General Fund Appropriation—Federal .....	\$ 1,169,480
Electrical License Fund Appropriation .....	\$ 392,335
Accident Fund Appropriation .....	\$ 533,475
Medical Aid Fund Appropriation .....	\$ 533,474
Total Appropriation .....	\$ 13,098,802

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are provided solely for the increased demands for public services as a result of the development or construction of the Everett Homeport. No funds may be spent until actual construction or site preparation is started except as may be necessary to meet the requirements of federal legislation authorizing the construction of the Everett Homeport.

(2) The governor shall allocate funds to the superintendent of public instruction, the department of social and health services, the department of community development, the department of fisheries, the department of ecology, and the department of labor and industries. The governor shall allocate these appropriations to specific agencies based on increased agency operating expenditures and workload directly associated with the Everett Homeport.

The governor may release to the specific agencies only the amount necessary to offset the directly incurred increased costs which have been documented by the agency.

(3) Any appropriation adjustments and actions that the governor has taken related to the Everett Homeport and pursuant to this appropriation shall be reported to the legislature on January 1, 1988, and January 1, 1989.

**NEW SECTION, Sec. 703. FOR THE GOVERNOR—LEGAL SERVICES AUGMENTATION**

General Fund Appropriation .....	\$	4,280,000
Special Fund Agency Legal Services Augmentation Revolving Fund		
Appropriation .....	\$	6,420,000
Total Appropriation .....	\$	10,700,000

The appropriations in this section are subject to the following conditions and limitations: To facilitate payment of the legal services augmentation from special funds, the state treasurer is directed to transfer sufficient moneys from each special fund to the special fund agency legal services augmentation revolving fund, hereby created, in accordance with schedules provided by the office of financial management. The governor shall distribute the moneys appropriated in this section to agencies to pay for legal services augmentation in accordance with the plan submitted by the attorney general and approved by the office of financial management under section 121 of this act.

**NEW SECTION, Sec. 704. FOR THE GOVERNOR—CONTINGENCY POOL**

General Fund Appropriation .....	\$	15,400,000
----------------------------------	----	------------

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the purposes of replenishing any shortfall of general fund—federal moneys otherwise anticipated and appropriated in sections 203 through 207, 209, and 509 of this act.

**NEW SECTION, Sec. 705. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—CONTRIBUTIONS TO RETIREMENT SYSTEMS**

The appropriations in this section are subject to the following conditions and limitations: The appropriations shall be made on a quarterly basis.

(1) There is appropriated for employer contributions to the law enforcement officers' and fire fighters' retirement system.

		FY 1988	FY 1989
Revenue Accrual Account Appropriation .....	\$	47,300,000	62,700,000
Total Appropriation .....		\$110,000,000	

(2) There is appropriated for contributions to the judicial retirement system an amount sufficient to meet the cash flow requirements of all benefit payments made during the 1987-89 biennium.

		FY 1988	FY 1989
General Fund Appropriation .....	\$	1,350,000	1,350,000
Total Appropriation .....		\$2,700,000	

(3) There is appropriated for contributions to the judges retirement system an amount sufficient to meet the cash flow requirements of all benefit payments made during the 1987-89 biennium.

		FY 1988	FY 1989
General Fund Appropriation .....	\$	800,000	800,000
Total Appropriation .....		\$1,600,000	

(4) The initial employer contribution rates to the retirement systems are specified in this subsection and are stated as percentages of the office of the state actuary's 1987-1989 statutory budget recommendations to the governor:

(a) The public employees' retirement system, plan I, 65.9978 percent, and the public employees' retirement system, plan II, 76.4858 percent;

(b) The teachers' retirement system, plan I, 62.507 percent; and the teachers' retirement system, plan II, 75.9134 percent; and

(c) The Washington state patrol retirement system, 100 percent.

**NEW SECTION, Sec. 706. FOR THE OFFICE OF FINANCIAL MANAGEMENT—CONTRIBUTIONS TO RETIREMENT SYSTEMS**

		FY 1988	FY 1989
General Fund Appropriation .....	\$	1,300,000	1,300,000
Total Appropriation .....		\$2,600,000	

The appropriations in this section are subject to the following conditions and limitations:

(1) \$600,000 of the general fund—state appropriation shall be distributed to state agencies for the purpose of additional contributions required for the public employees' retirement system as a result of Senate Bill No. 5150.

(2) \$2,000,000 of the general fund—state appropriation shall be distributed to the superintendent of public instruction for the purpose of additional contributions required for the teachers' retirement system as a result of Senate Bill No. 5150.

(3) If Senate Bill No. 5150 is not enacted by June 30, 1987, the appropriations in this section shall lapse.

**NEW SECTION, Sec. 707. FOR THE GOVERNOR—EMERGENCY FUND**

General Fund Appropriation—State	\$	2,000,000
The appropriation in this section is for the governor's emergency fund to be allocated for the carrying out of the critically necessary work of any agency.		
<u>NEW SECTION, Sec. 708. FOR THE GOVERNOR—UNIFIED BUSINESS IDENTIFIER</u>		
General Fund Appropriation	\$	2,984,000
Accident Fund Appropriation	\$	281,000
Medical Aid Fund Appropriation	\$	281,000
Total Appropriation	\$	3,546,000
<u>NEW SECTION, Sec. 709. FOR THE GOVERNOR—STATE AND LOCAL CONTROLLED SUBSTANCES ENFORCEMENT ASSISTANCE</u>		
General Fund Appropriation—Federal	\$	3,557,000
<u>NEW SECTION, Sec. 710. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—TRANSFERS</u>		
General Fund Appropriation: For transfer to the Department of Retirement Systems Expense Fund	\$	19,000
Motor Vehicle Fund—State Patrol Highway Account Appropriation: For transfer to the Department of Retirement Systems Expense Fund	\$	92,300
<u>NEW SECTION, Sec. 711. FOR THE STATE TREASURER—TRANSFERS</u>		
General Fund Appropriation: For transfer to the Institutional Impact Account	\$	316,600
General Government Special Revenue Fund—State Treasurer's Service Account Appropriation: For transfer to the general fund on or before July 20, 1989, an amount up to \$5,000,000 in excess of the cash requirements in the State Treasurer's Service Account for fiscal year 1990, for credit to the fiscal year in which earned	\$	5,000,000
Charitable, Educational, Penal and Reformatory Institutions Account Appropriations: For transfer to the Resource Management Cost Account to the extent that funds are available as determined by the department of natural resources. The department shall provide the state treasurer with a schedule of such transfers	\$	3,000,000
General Fund Appropriation: For transfer to the Natural Resources Fund—Water Quality Account	\$	7,913,300
General Fund Appropriation: For transfer to the Miscellaneous Fund—Tort Claims Revolving Fund	\$	2,500,000
State Patrol Services Account: For transfer to the State Patrol Highway Account	\$	8,089,000
Employment Security Fund—Deferred Compensation Revolving Fund: For transfer to the Motor Vehicle Fund	\$	861,000
<u>NEW SECTION, Sec. 712. FOR SUNDRY CLAIMS</u>		
The following sums, or so much thereof as are necessary, are appropriated from the general fund, unless otherwise indicated, for the payment of court judgments and for relief of various individuals, firms, and corporations for sundry claims. These appropriations are to be disbursed on vouchers approved by the director of the department of general administration, except as otherwise provided, as follows:		
(1) In settlement of all claims for expenses in State v. Blanusca, Superior Court for Pierce County, Judgment No. 85-1-00253-1, pursuant to RCW 9.01.200, including interest	\$	16,057.00
(2) Terence R. Whitten, payment of judgment in State v. Black, Superior Court for Spokane County, Cause No. 247104	\$	92,020.00
(3) Richard D. McWilliams, payment of judgment in State v. Black, Superior Court for Spokane County, Cause No. 247104	\$	68,835.00
(4) In settlement of all claims for expenses in State v. Austin, Superior Court for Thurston County, Judgment No. 85-1-00497-7, pursuant to RCW 9.01.200, including interest	\$	10,213.00
(5) In settlement of all claims for expenses in City of Bellevue v. Irons, Superior Court for King County, Judgment No. 86-1-03095-2, pursuant to RCW 9.01.200, including interest	\$	27,888.00
(6) In settlement of all claims for expenses in State v. Striegel, South District Court of Snohomish County, Judgment No. 86-07847, pursuant to RCW 9.01.200, including interest	\$	5,926.00
(7) In settlement of all claims for expenses in State v. Shirley, Cascade District Court of Snohomish County, Judgment No. SCS-58916, pursuant to RCW 9.01.200, including interest	\$	1,623.00
(8) In settlement of all claims for expenses in City of Wenatchee v. Pedersen, District Court of Chelan County, Judgment No. 6723 WPD, pursuant to RCW 9.01.200, including interest	\$	1,432.00
(9) In settlement of all claims for expenses in State v. Enemark, District Court # 1 of Pierce County, Judgment No. 85-6-52377-3, pursuant		

to RCW 9.01.200, including interest .....	\$	5,334.00
(10) In settlement of all claims for expenses in State v. Thompson, Superior Court of Spokane County, Judgment No. 82-1-0064-7, pursuant to RCW 9.01.200, including interest .....	\$	5,626.00
(11) Compensation to the following for all pending claims of damage to crops by game: PROVIDED, That payment shall be made from the Game Fund:		
(a) Kenneth Allen Hammond .....	\$	1,272.00
(b) Rudy Etzkorn .....	\$	4,200.00
(c) Joe C. Grentz .....	\$	14,261.00
(12) Department of social and health services, for payment of retro-active salary increases as required in Washington Federation of State Employees v. State Personnel Board, superior Court of Thurston County, Order No. 80-2-00966-1: PROVIDED, That to the extent that federal financial participation is available, the department shall apply such funds before using this appropriation .....	\$	10,970,000.

NEW SECTION. Sec. 713. FOR BELATED CLAIMS

(1) There is appropriated to the office of financial management for payment of supplies and services furnished in previous biennia, from the General Fund .....

(2) The following sums, or so much thereof as shall severally be found necessary, are hereby appropriated and authorized to be expended out of the several funds indicated, for the period from the effective date of this act to June 30, 1989, except as otherwise noted.

To reimburse the general fund for expenditures from belated claims appropriations to be disbursed on vouchers approved by the office of financial management:

Medical Disciplinary Account .....	\$	4,655
Institutional Impact Account .....	\$	36,816
Architects' License Account .....	\$	1,062
Cemetery Account .....	\$	45
Hazardous Waste Control and Elimination Account .....	\$	6
Public Safety and Education Account .....	\$	31,011
Health Professions Account .....	\$	13,465
Professional Engineers' Account .....	\$	81
Real Estate Commission Account .....	\$	623
Reclamation Revolving Account .....	\$	14
State Investment Board Expense Account .....	\$	134
Capitol Building Construction Account .....	\$	55,831
Motor Transport Account .....	\$	9,665
State Capitol Historical Association Museum Account .....	\$	76
Resource Management Cost Account .....	\$	7,684
Capitol Purchase and Development Account .....	\$	16,603
Litter Control Account .....	\$	358
State and Local Improvements Revolving Account (Waste Disposal Facilities) .....	\$	12
State Building Construction Account .....	\$	67,372
Outdoor Recreation Account .....	\$	268
State Social and Health Services Construction Account .....	\$	1,142
Grade Crossing Protective Fund .....	\$	79,466
State Patrol Highway Account .....	\$	45,879
Motorcycle Safety Education Fund .....	\$	7,725
Nursery Inspection Fund .....	\$	38
Seed Fund .....	\$	347
Electrical License Fund .....	\$	1,727
State Game Fund .....	\$	64,064
Highway Safety Fund .....	\$	6,297
Motor Vehicle Fund .....	\$	24,572
Public Service Revolving Fund .....	\$	5,418
State Treasurer's Service Fund .....	\$	1,561
Legal Services Revolving Fund .....	\$	9,650
Municipal Revolving Fund .....	\$	4,146
General Administration Facilities and Services Revolving Fund .....	\$	6,140
Department of Personnel Service Fund .....	\$	366
Higher Education Personnel Board Service Fund .....	\$	331
State Employees' Insurance Fund .....	\$	499
State Auditing Services Revolving Fund .....	\$	3,028
Liquor Revolving Fund .....	\$	4,629
Department of Retirement Systems Expense Fund .....	\$	10,264
Accident Fund .....	\$	29,386

Medical Aid Fund .....	\$	29,232
Western Library Network Computer System Revolving Fund .....	\$	30,443
Pressure Systems Safety Fund .....	\$	196

**NEW SECTION, Sec. 714. FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION**

General Fund Appropriation for fire insurance premiums tax distribution .....	\$	5,752,350
General Fund Appropriation for public utility district excise tax distribution .....	\$	24,030,700
General Fund Appropriation for prosecuting attorneys' salaries .....	\$	1,949,834
General Fund Appropriation for motor vehicle excise tax distribution .....	\$	59,085,000
General Fund Appropriation for local mass transit assistance .....	\$	168,100,000
General Fund Appropriation for camper and travel trailer excise tax distribution .....	\$	1,778,600
Aquatic Lands Enhancement Account Appropriation for harbor improvement revenue distribution .....	\$	60,000
Liquor Excise Tax Fund Appropriation for liquor excise tax distribution .....	\$	17,806,950
Motor Vehicle Fund Appropriation for motor vehicle fuel tax and overload penalties distribution .....	\$	272,648,602
Liquor Revolving Fund Appropriation for liquor profits distribution .....	\$	36,600,000
Timber Tax Distribution Account Appropriation for distribution to "Timber" counties .....	\$	35,424,000
Municipal Sales and Use Tax Equalization Account Appropriation .....	\$	31,815,000
County Sales and Use Tax Equalization Account Appropriation .....	\$	11,000,000
Death Investigations Account Appropriation for distribution to counties for public funded autopsies .....	\$	592,000
Total Appropriation .....	\$	666,643,036

**NEW SECTION, Sec. 715. FOR THE STATE TREASURER—FEDERAL REVENUES FOR DISTRIBUTION**

Forest Reserve Fund Appropriation for federal forest reserve fund distribution .....	\$	58,414,601
General Fund Appropriation for federal flood control funds distribution .....	\$	24,000
General Fund Appropriation for federal grazing fees distribution .....	\$	50,000
Geothermal Account Appropriation—Federal .....	\$	60,000
General Fund Appropriation for distribution of federal funds to counties in conformance with Public Law 97-99 .....	\$	300,000
Total Appropriation .....	\$	58,848,601

**NEW SECTION, Sec. 716. FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, INCLUDING ONGOING BOND REGISTRATION AND TRANSFER CHARGES**

Fisheries Bond Redemption Fund 1977 Appropriation .....	\$	1,280,467
Salmon Enhancement Bond Redemption Fund 1977 Appropriation .....	\$	5,479,684
Higher Education Refunding Bond Redemption Fund 1977 Appropriation .....	\$	8,773,875
Fire Service Training Center Bond Retirement Fund 1977 Appropriation .....	\$	1,619,731
Highway Bond Retirement Fund Appropriation .....	\$	171,910,324
Indian Cultural Center Construction Bond Redemption Fund 1976 Appropriation .....	\$	233,575
Higher Education Bond Redemption Fund 1977 Appropriation .....	\$	19,528,417
Ferry Bond Retirement Fund 1977 Appropriation .....	\$	25,627,988
Emergency Water Projects Bond Retirement Fund 1977 Appropriation .....	\$	2,604,490
Public School Building Bond Redemption Fund 1965 Appropriation .....	\$	1,238,790
Spokane River Toll Bridge Account Appropriation .....	\$	889,088
Higher Education Bond Retirement Fund 1979 Appropriation .....	\$	10,736,990
State General Obligation Bond Retirement Fund 1979 Appropriation .....	\$	327,069,045
Fisheries Bond Redemption Fund 1976 Appropriation .....	\$	764,034
State Building Bond Redemption Fund 1967 Appropriation .....	\$	656,800
Community College Capital Construction Bond Redemption Fund 1975, 1976, 1977 Appropriation .....	\$	11,423,031
Common School Building Bond Redemption Fund 1967 Appropriation .....	\$	6,890,745
Outdoor Recreation Bond Redemption Fund 1967 Appropriation .....	\$	6,292,542
Water Pollution Control Facilities Bond Redemption Fund 1967 Appropriation .....	\$	4,067,765
State Building and Higher Education Construction Bond Redemption Fund 1967 Appropriation .....	\$	10,349,392

State Building and Parking Bond Redemption Fund 1969 Appropriation .....	\$	2,448,830
Waste Disposal Facilities Bond Redemption Fund Appropriation .....	\$	57,944,960
Water Supply Facilities Bond Redemption Fund Appropriation .....	\$	11,952,815
Social and Health Services Facilities 1972 Bond Redemption Fund Appropriation .....	\$	3,705,605
Recreation Improvements Bond Redemption Fund Appropriation .....	\$	5,986,813
Community College Capital Improvement Bond Redemption Fund 1972 Appropriation .....	\$	7,499,389
State Building Authority Bond Redemption Fund Appropriation .....	\$	9,452,680
Office-Laboratory Facilities Bond Redemption Fund Appropriation .....	\$	270,900
University of Washington Hospital Bond Retirement Fund 1975 Approp- riation .....	\$	1,163,924
Washington State University Bond Redemption Fund 1977 Appropria- tion .....	\$	559,915
Higher Education Bond Redemption Fund 1975 Appropriation .....	\$	2,165,785
State Building Bond Redemption Fund 1973 Appropriation .....	\$	3,794,144
State Building Bond Retirement Fund 1975 Appropriation .....	\$	424,780
State Higher Education Bond Redemption Fund 1973 Appropriation .....	\$	4,367,163
Social and Health Services Bond Redemption Fund 1976 Appropria- tion .....	\$	9,475,867
State Building (Expo 74) Bond Redemption Fund 1973A Appropriation .....	\$	372,820
Community College Refunding Bond Retirement Fund 1974 Appropria- tion .....	\$	9,436,996
State Higher Education Bond Redemption Fund 1974 Appropriation .....	\$	1,190,700
Total Appropriation .....	\$	749,650,859

**NEW SECTION.** Sec. 717. The appropriations contained in this act are maximum expenditure authorizations. Pursuant to RCW 43.88.037, moneys disbursed from the treasury on the basis of a formalized loan agreement with another governmental entity shall be treated as a loan and are to be recorded as loans receivable and not as expenditures for accounting purposes. To the extent that moneys are disbursed on a loan basis, the corresponding appropriation shall be reduced by the amount of loan moneys disbursed from the treasury during the 1987-89 biennium.

**NEW SECTION.** Sec. 718. Notwithstanding the provisions of chapter 82, Laws of 1973 1st sess., the house of representatives, the senate, and the permanent statutory committees shall pay expenses quarterly to the department of general administration facilities and services revolving fund for services rendered by the department for operations, maintenance, and supplies relating to buildings, structures, and facilities utilized by the legislature for the biennium beginning July 1, 1987.

**NEW SECTION.** Sec. 719. Whenever allocations are made from the governor's emergency fund appropriation to an agency which is financed in whole or in part by other than general fund moneys, the director of financial management may direct the repayment of such allocated amount to the general fund from any balance in the fund or funds which finance the agency. No appropriation shall be necessary to effect such repayment.

**NEW SECTION.** Sec. 720. In addition to the amounts appropriated in this act for revenue for distribution, bond retirement and interest including ongoing bond registration and transfer charges, transfers, interest on registered warrants, and certificates of indebtedness, there is also appropriated such further amounts as may be required or available for these purposes under any statutory formula or under any proper bond covenant made in accordance with law.

**NEW SECTION.** Sec. 721. In addition to such other appropriations as are made by this act, there is hereby appropriated to the state finance committee from legally available bond proceeds in the respective construction or building funds and accounts such amounts as are necessary to pay the expenses incurred in the issuance and sale of the subject bonds.

**NEW SECTION.** Sec. 722. Amounts received by an agency as reimbursements pursuant to RCW 39.34.130 shall be considered as returned loans of materials supplied or services rendered. Such amounts may be expended as a part of the original appropriation of the fund to which it belongs, without further or additional appropriation, subject to conditions and procedures prescribed by the director of financial management, which shall provide for determination of full costs, disclosure of such reimbursements in the governor's budget, maximum interagency usage of data processing equipment and services, and such restrictions as will promote more economical operations of state government without incurring continuing costs beyond those reimbursed.

**NEW SECTION.** Sec. 723. The appropriations of moneys and the designation of funds and accounts by this and other acts of the 1987 legislature shall be construed in a manner consistent with legislation enacted by the 1985 and 1987 legislatures to conform state funds and accounts with generally accepted accounting principles.

NEW SECTION, Sec. 724. 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. 725. 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."

Debate ensued.

#### MOTION

Senator Kreidler moved that Engrossed Substitute House Bill No. 527 be referred to the Committee on Ways and Means.

Debate ensued.

#### POINT OF INQUIRY

Senator Stratton: "Senator Kreidler, since we've had this striking amendment on our desk, we have received--I only have a few of them that I can hold up--these numbers of amendments. Can you tell me why those have not been offered?"

Senator Kreidler: "Senator Stratton, I would say that the reason they have not been offered is because we have been carrying on a debate at the current time on the striking amendment that was offered. I trust that the amendments can still be offered. Obviously, there is going to be a parliamentary maneuver that would certainly keep them from being ones that could be added to the bill."

Debate ensued.

#### POINT OF INQUIRY

Senator Rasmussen: "Senator Kreidler, do you recall a certain day--the last Ways and Means Committee meeting where there were two hundred and fifty people waiting to testify? Rasmussen wasn't there, because he would have been there three minutes late. Do you recall that Ways and Means meeting?"

Senator Kreidler: "Yes, Senator, I recall that Ways and Means meeting and the fact is that I had some amendments I chose not to offer at the time, but if I had chosen to offer them, they would have been duly considered and been a part of the record of that particular hearing as it would have been for any other member, but no one rose to offer their amendments and, therefore, it was not a hearing where amendments were heard."

Further debate ensued.

Senator Rasmussen demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Kreidler to refer Engrossed Substitute Senate Bill No. 527 to the Committee on Ways and Means.

#### ROLL CALL

The Secretary called the roll and the motion by Senator Kreidler to refer the bill to the Committee on Ways and Means failed by the following vote: Yeas, 22; nays, 27.

Voting yea: Senators Bauer, Bender, Boltiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kreidler, McDermott, Moore, Peterson, Rinehart, Smitherman, Talmadge, Tanner, Vognild, Warnke, Williams, Wojahn - 22.

Voting nay: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Stratton, von Reichbauer, West, Zimmerman - 27.

Further debate on the amendment by Senators Owen, McDonald, Stratton and Cantu to the Committee on Ways and Means amendment ensued.

The Secretary read in an amendment by Senator McDermott to the amendment by Senators Owen, McDonald, Stratton and Cantu to the Committee on Ways and Means amendment.

#### POINT OF ORDER

Senator Newhouse: "Mr. President, I would ask you to rule on the timeliness and appropriateness of the amendment that would pretend to be an amendment to the amendment to the amendment."

## REPLY BY THE PRESIDENT

President Cherberg: "Your point of order is well taken, Senator Newhouse."

## MOTION

Senator Vognild moved that Rule No. 133 of Reed's Parliamentary Rules be suspended to allow amendments to be heard to the amendment by Senators Owen, McDonald, Stratton and Cantu to the Committee on Ways and Means amendment.

EDITOR'S NOTE: Rule No. 133 reads: Amendment to the Amendment. - In case the amendment offered, while satisfactory in its design does not in the opinion of a member exactly meet the case, he is at liberty to propose an amendment to the amendment. Here, however, the process must end, for there must somewhere be a limit or confusion would ensue. The general judgment of assemblies has settled upon the limitation of amendments to the second degree. If the amendment to the amendment is not satisfactory to the assembly it can be voted down, and then a new amendment to the amendment will be in order, which in its turn can be rejected, and so on until the assembly is satisfied. (See Sec. 149)

## POINT OF ORDER

Senator Newhouse: "Mr. President, would that be a suspension of the rules--the motion by Senator Vognild?"

## REPLY BY THE PRESIDENT

President Cherberg: "Not actually, it would take a two-thirds vote."  
Further debate ensued.

## POINT OF ORDER

Senator Newhouse: "Mr. President, I believe on a suspension of the rules that this motion is one of a speaker on each side for short remarks."

## REPLY BY THE PRESIDENT

President Cherberg: "The President has always permitted one speaker from each side to speak rather than limit the amount. It would be out of order to recognize you, Senator Kreidler."

The President declared the question before the Senate to be the motion by Senator Vognild to suspend Reed's Rule 133.

The motion by Senator Vognild failed.

## PARLIAMENTARY INQUIRY

Senator Rasmussen: "Mr. President, I can't ever recall whether we suspended Reed's Rules."

## REPLY BY THE PRESIDENT

President Cherberg: "I can't either, Senator."

The President declared the question before the Senate to be adoption of the amendment by Senators Owen, McDonald, Stratton and Cantu to the Committee on Ways and Means amendment.

Senator Bottiger demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senators, Owen, McDonald, Stratton and Cantu to the Committee on Ways and Means amendment.

## ROLL CALL

The Secretary called the roll and the amendment to the committee amendment was adopted by the following vote: Yeas, 27; nays, 22.

Voting yea: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Stratton, von Reichbauer, West, Zimmerman - 27.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kreidler, McDermott, Moore, Peterson, Rinehart, Smitherman, Talmadge, Tanner, Vognild, Warnke, Williams, Wojahn - 22.



The President declared the question before the Senate to be adoption of the Committee on Ways and Means amendment, as amended, on reconsideration.

Debate ensued.

Senator Newhouse demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the Committee on Ways and Means amendment, as amended, on reconsideration.

#### ROLL CALL

The Secretary called the roll and the amendment to the committee amendment, as amended, on reconsideration, was adopted by the following vote: Yeas, 27; nays, 22.

Voting yea: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Stratton, von Reichbauer, West, Zimmerman - 27.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kreidler, McDermott, Moore, Peterson, Rinehart, Smitherman, Talmadge, Tanner, Vognild, Warnke, Williams, Wojahn - 22.

#### MOTIONS

On motion of Senator Newhouse, the following title amendment was adopted:

On page 1, beginning on line 1 of the title, after "budget," strike the remainder of the title and insert "making appropriations and authorizing expenditures for the operations of state agencies for the fiscal biennium beginning July 1, 1987, and ending June 30, 1989; providing an effective date; and declaring an emergency."

On motion of Senator Owen, the rules were suspended, Engrossed Substitute House Bill No. 527, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 527, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 527, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 27; nays, 22.

Voting yea: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Stratton, von Reichbauer, West, Zimmerman - 27.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kreidler, McDermott, Moore, Peterson, Rinehart, Smitherman, Talmadge, Tanner, Vognild, Warnke, Williams, Wojahn - 22.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 527, 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.

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

#### MESSAGE FROM THE HOUSE

April 22, 1987

Mr. President:

The House refuses to recede from its amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 5439 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Sutherland, Spanel and S. Wilson.

SHARON L. CASE, Assistant Chief Clerk

#### MOTION

On motion of Senator Vognild, the request of the House for a conference on Engrossed Substitute Senate Bill No. 5439 and the House amendments thereto was granted.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute Senate Bill No. 5439 and the House amendments thereto: Senators Owen, Metcalf, DeJarnatt.

## MOTION

On motion of Senator Vognild, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

April 22, 1987

Mr. President:

The House refuses to recede from its amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 5838 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Wang, Cole and Patrick.

SHARON L. CASE, Assistant Chief Clerk

## MOTION

On motion of Senator Vognild, the request of the House for a conference on Engrossed Substitute Senate Bill No. 5838 and the House amendments thereto was granted.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute Senate Bill No. 5838 and the House amendments thereto: Senators Warnke, Lee, Smitherman.

## MOTION

On motion of Senator Vognild, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

April 21, 1987

Mr. President:

The House refuses to recede from its amendment to SUBSTITUTE SENATE BILL NO. 5846 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Hine, Belcher and May.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Vognild, the request of the House for a conference on Substitute Senate Bill No. 5846 and the House amendment thereto was granted.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute Senate Bill No. 5846 and the House amendment thereto: Senators Kreidler, Kiskaddon, Rinehart.

## MOTION

On motion of Senator Vognild, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

April 22, 1987

Mr. President:

The House refuses to concur in the Senate amendments to ENGROSSED HOUSE BILL NO. 161 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Fisher, Vekich and Ferguson.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Vognild, the request of the House for a conference on Engrossed House Bill No. 161 and the Senate amendments thereto was granted.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed House Bill No. 161 and the Senate amendments thereto: Senators Peterson, Barr, Wojahn.

## MOTION

On motion of Senator Vognild, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

April 20, 1987

Mr. President:

The House refuses to concur in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 359 and asks the Senate for a conference thereon. The Speaker has appointed the following members as Conferees: Representatives H. Sommers, Locke and Padden.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Vognild, the request of the House for a conference on Substitute House Bill No. 359 and the Senate amendments thereto was granted.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute House Bill No. 359 and the Senate amendments thereto: Senators Bottiger, von Reichbauer, Talmadge.

## MOTION

On motion of Senator Vognild, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

April 22, 1987

Mr. President:

The House refuses to concur in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 1158 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Wang, Cole and Walker.

SHARON L. CASE, Assistant Chief Clerk

## MOTION

On motion of Senator Vognild, the request of the House for a conference on Substitute House Bill No. 1158 and the Senate amendments thereto was granted.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute House Bill No. 1158 and the Senate amendments thereto: Senators Warnke, Newhouse, Vognild.

## MOTION

On motion of Senator Vognild, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

April 22, 1987

Mr. President:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 327.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 621,  
and the same are herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

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

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 327 by Committee on Ways and Means (originally sponsored by Representatives Bristow, Holland, Grimm, Locke and P. King) (by request of Governor Gardner)

Adopting the capital budget.

Referred to Committee on Ways and Means.

ESHB 621 by Committee on Ways and Means (originally sponsored by Representatives Bristow, Silver, Locke, Holland, Grimm, L. Smith, Basich and P. King) (by request of Governor Gardner)

Authorizing state general obligation bonds for capital projects.

Referred to Committee on Ways and Means.

SHB 638 by Committee on Transportation (originally sponsored by Representatives Walk, Schmidt and Zellinsky) (by request of Governor Gardner)

Increasing the fees for driving record abstracts.

Hold.

EHB 831 by Representatives Leonard, Madsen and Hankins

Increasing retained percentage for horse racing commission from specified races.

Hold.

SHB 1225 by Committee on Health Care (originally sponsored by Representatives Brekke, Sayan, Lewis, Braddock, Sprenkle, Nelson, Allen, Jacobsen, Grimm, Appelwick, Wineberry, Hine, Niemi, Hargrove, Bristow, Belcher, Lux and P. King)

Developing and implementing prepaid capitated dental hygiene and care programs for medical assistance recipients.

Referred to Committee on Ways and Means.

#### MOTION

On motion of Senator Vognild, the rules were suspended and Substitute House Bill No. 638 and Engrossed House Bill No. 831 were advanced to second reading and placed on the second reading calendar.

#### MOTION

At 6:16 p.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 6:26 p.m. by President Cherberg.

#### MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Vognild moved to reconsider the vote by which the powers of Free Conference were granted on House Bill No. 359 earlier today.

The President declared the question before the Senate to be the motion by Senator Vognild to reconsider the vote by which the powers of Free Conference were granted on House Bill No. 359.

The motion by Senator Vognild carried and the Senate will reconsider the motion to grant the powers of Free Conference on House Bill No. 359.

MOTION

At 6:28 p.m., on motion of Senator Vognild, the Senate adjourned until 9:00 a.m., Friday, April 24, 1987.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

## ONE HUNDRED-THIRD DAY

## MORNING SESSION

Senate Chamber, Olympia, Friday, April 24, 1987

The Senate was called to order at 9:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Barr, Bender, Kreidler, Lee, Rinehart, Sellar and Smitherman. On motion of Senator Vognil, Senators Bender and Kreidler were excused.

The Sergeant at Arms Color Guard, consisting of Pages Alison Oord and Wendy White, presented the Colors. Reverend Dennis Hartsook, pastor of St. Mark Lutheran Church of Olympia, offered the prayer.

## MOTION

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

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

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

## MOTION

On motion of Senator Gaspard, Gubernatorial Appointment No. 9077, Mary Ann Funk, as a member of the Board of Trustees for Skagit Valley Community College District No. 4, was confirmed.

## APPOINTMENT OF MARY ANN FUNK

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 42; absent, 5; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Saling, Stratton, Talmadge, Tanner, Vognil, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 42.

Absent: Senators Bauer, Lee, Rinehart, Sellar, Smitherman - 5.

Excused: Senators Bender, Kreidler - 2.

## MOTION

On motion of Senator Gaspard, Gubernatorial Appointment No. 9078, George E. Northcroft, as a member of the Board of Trustees for Bellevue Community College District No. 8, was confirmed.

## APPOINTMENT OF GEORGE E. NORTHCROFT

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 42; absent, 5; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Saling, Stratton, Talmadge, Tanner, Vognil, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 42.

Absent: Senators Bauer, Lee, Rinehart, Sellar, Smitherman - 5.

Excused: Senators Bender, Kreidler - 2.

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

## MESSAGES FROM THE HOUSE

April 23, 1987

Mr. President:

The Speaker has signed:

HOUSE BILL NO. 24,  
SUBSTITUTE HOUSE BILL NO. 80,  
HOUSE BILL NO. 94,  
SUBSTITUTE HOUSE BILL NO. 168,  
SUBSTITUTE HOUSE BILL NO. 341,  
SUBSTITUTE HOUSE BILL NO. 388,  
HOUSE BILL NO. 396,  
SUBSTITUTE HOUSE BILL NO. 476,  
HOUSE BILL NO. 549,  
HOUSE BILL NO. 701,  
HOUSE BILL NO. 748,  
SUBSTITUTE HOUSE BILL NO. 790,  
HOUSE BILL NO. 795,  
SUBSTITUTE HOUSE BILL NO. 876,  
SUBSTITUTE HOUSE BILL NO. 920,  
SUBSTITUTE HOUSE BILL NO. 928,  
SUBSTITUTE HOUSE BILL NO. 982,  
SUBSTITUTE HOUSE BILL NO. 995,  
SUBSTITUTE HOUSE BILL NO. 1012,  
SUBSTITUTE HOUSE BILL NO. 1065,  
HOUSE BILL NO. 1087,  
SUBSTITUTE HOUSE BILL NO. 1098,  
SUBSTITUTE HOUSE BILL NO. 1132,  
HOUSE BILL NO. 1137, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 23, 1987

Mr. President:

The House has receded from its amendments to ENGROSSED SENATE BILL NO. 5110 and has passed the bill without the House amendments, and the bill is herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 23, 1987

Mr. President:

The House has receded from its amendment to page 2, line 15, of ENGROSSED SENATE BILL NO. 5120 and has passed the bill without said amendment, and the bill is herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 23, 1987

Mr. President:

The House has receded from its amendments to ENGROSSED SENATE BILL NO. 5549 and has passed the bill without said amendments, and the bill is herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 23, 1987

Mr. President:

The House concurred in the Senate amendments to the following bills and passed the bills as amended by the Senate:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 26,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 47,  
SUBSTITUTE HOUSE BILL NO. 274,  
SUBSTITUTE HOUSE BILL NO. 440,  
HOUSE BILL NO. 462,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 586,  
SUBSTITUTE HOUSE BILL NO. 646,  
SUBSTITUTE HOUSE BILL NO. 739,

SUBSTITUTE HOUSE BILL NO. 786,  
 SECOND SUBSTITUTE HOUSE BILL NO. 813,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1006,  
 HOUSE BILL NO. 1205,  
 HOUSE BILL NO. 1228.

ALAN THOMPSON, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

RE: SHB 116

Modifying procedures for administrative approval of plats.

April 23, 1987

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom the above measure was referred, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the measure as follows:

On page 5, after line 11, strike all material down to and including line 24 on page 6 and insert the following:

NEW SECTION. Sec. 3. A new section is added to chapter 58.17 RCW to read as follows:

Whenever any person is interested in the vacation of any subdivision or portion thereof, or any area designated or dedicated for public use, that person shall file an application for vacation with the legislative authority of the city, town, or county in which the subdivision is located. The application shall set forth the reasons for vacation and shall contain signatures of all parties having an ownership interest in that portion of the subdivision subject to vacation. If the subdivision is subject to restrictive covenants which were filed at the time of the approval of the subdivision, and the application for vacation would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the vacation of the subdivision or portion thereof.

When the vacation application is specifically for a county road or city or town street, the procedures for road vacation or street vacation in chapter 36.87 or 35.79 RCW shall be utilized for the road or street vacation. When the application is for the vacation of the plat together with the roads and/or streets, the procedure for vacation in this section shall be used, but vacations of streets may not be made that are prohibited under RCW 35.79.030, and vacations of roads may not be made that are prohibited under RCW 36.87.130.

The legislative authority of the city, town, or county shall give notice as provided in RCW 58.17.080 and 58.17.090 and shall conduct a public hearing on the application for a vacation and may approve or deny the application for vacation of the subdivision after determining the public use and interest to be served by the vacation of the subdivision. If any portion of the land contained in the subdivision was dedicated to the public for public use or benefit, such land, if not deeded to the city, town, or county, shall be deeded to the city, town, or county unless the legislative authority shall set forth findings that the public use would not be served in retaining title to those lands.

Title to the vacated property shall vest with the rightful owner as shown in the county records. If the vacated land is land that was dedicated to the public, for public use other than a road or street, and the legislative authority has found that retaining title to the land is not in the public interest, title thereto shall vest with the person or persons owning the property on each side thereof, as determined by the legislative authority. When the road or street that is to be vacated was contained wholly within the subdivision and is part of the boundary of the subdivision, title to the vacated road or street shall vest with the owner or owners of property contained within the vacated subdivision.

This section shall not be construed as applying to the vacation of any plat of state granted-tide or shore lands.

NEW SECTION. Sec. 4. A new section is added to chapter 58.17 RCW to read as follows:

When any person is interested in the alteration of any subdivision or the altering of any portion thereof, except as provided in RCW 58.17.040(6), that person shall submit an application to request the alteration to the legislative authority of the city, town, or county where the subdivision is located. The application shall contain the signatures of the majority of those persons having an ownership interest of lots, tracts, parcels, sites, or divisions in the subject subdivision or portion to be altered. If the subdivision is subject to restrictive covenants which were filed at the time of the approval of the subdivision, and the application for alteration would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the alteration of the subdivision or portion thereof.



Upon receipt of an application for alteration, the legislative body shall provide notice of the application to all owners of property within the subdivision, and as provided for in RCW 58.17.080 and 58.17.090. The notice shall either establish a date for a public hearing or provide that a hearing may be requested by a person receiving notice within fourteen days of receipt of the notice.

The legislative body shall determine the public use and interest in the proposed alteration and may deny or approve the application for alteration. If any land within the alteration is part of an assessment district, any outstanding assessments shall be equitably divided and levied against the remaining lots, parcels, or tracts, or be levied equitably on the lots resulting from the alteration. If any land within the alteration contains a dedication to the general use of persons residing within the subdivision, such land may be altered and divided equitably between the adjacent properties.

After approval of the alteration, the legislative body shall order the applicant to produce a revised drawing of the approved alteration of the final plat or short plat, which after signature of the legislative authority, shall be filed with the county auditor to become the lawful plat of the property.

This section shall not be construed as applying to the alteration or replatting of any plat of state-granted tide or shore lands.

Sec. 5. Section 6, chapter 271, Laws of 1969 ex. sess. as amended by section 3, chapter 134, Laws of 1974 ex. sess. and RCW 58.17.060 are each amended to read as follows:

The legislative body of a city, town, or county shall adopt regulations and procedures, and appoint administrative personnel for the summary approval of short plats and short subdivisions ~~(or revision thereof)~~ or alteration or vacation thereof. When an alteration or vacation involves a public dedication, the alteration or vacation shall be processed as provided in section 3 or 4 of this 1987 act. Such regulations shall be adopted by ordinance and may contain wholly different requirements than those governing the approval of preliminary and final plats of subdivisions and may require surveys and monumentations and shall require filing of a short plat, or alteration or vacation thereof, for record in the office of the county auditor: PROVIDED, That such regulations must contain a requirement that land in short subdivisions may not be further divided in any manner within a period of five years without the filing of a final plat: PROVIDED FURTHER, That such regulations are not required to contain a penalty clause as provided in RCW 36.32.120 and may provide for wholly injunctive relief.

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

NEW SECTION. Sec. 6. A new section is added to chapter 58.17 RCW to read as follows:

Whenever a survey of a proposed subdivision or short subdivision reveals a discrepancy, the discrepancy shall be noted on the face of the final plat or short plat. Any discrepancy shall be disclosed in a title report prepared by a title insurer and issued after the filing of the final plat or short plat. As used in this section, "discrepancy" means: (1) A boundary hiatus; (2) an overlapping boundary; or (3) a physical appurtenance, which indicates encroachment, lines of possession, or conflict of title.

NEW SECTION. Sec. 7. A new section is added to chapter 58.17 RCW to read as follows:

Any hearing required by section 3 or 4 of this act or RCW 58.17.060 may be administered by a hearings examiner as provided in RCW 58.17.330.

NEW SECTION. Sec. 8. The following acts or parts of acts are each repealed:

- (1) Section 1, chapter 114, Laws of 1953 and RCW 58.11.010;
- (2) Section 2, page 27, Laws of 1857, section 2, page 432, Laws of 1862, section 2, page 410, Laws of 1869, section 2334, Code of 1881 and RCW 58.11.020;
- (3) Section 3, page 27, Laws of 1857, section 3, page 433, Laws of 1862, section 3, page 410, Laws of 1869, section 2335, Code of 1881 and RCW 58.11.030;
- (4) Section 2336, Code of 1881 and RCW 58.11.040;
- (5) Section 5, page 28, Laws of 1857, section 5, page 433, Laws of 1862, section 5, page 411, Laws of 1869, section 2337, Code of 1881 and RCW 58.11.050;
- (6) Section 1, chapter 92, Laws of 1903, section 1, chapter 139, Laws of 1927 and RCW 58.12.010;
- (7) Section 2, chapter 92, Laws of 1903 and RCW 58.12.020;
- (8) Section 3, chapter 92, Laws of 1903 and RCW 58.12.030;
- (9) Section 4, chapter 92, Laws of 1903 and RCW 58.12.040;
- (10) Section 5, chapter 92, Laws of 1903 and RCW 58.12.050;
- (11) Section 6, chapter 92, Laws of 1903, section 1, chapter 136, Laws of 1909 and RCW 58.12.060;
- (12) Section 7, chapter 92, Laws of 1903 and RCW 58.12.065;
- (13) Section 8, chapter 92, Laws of 1903 and RCW 58.12.070; and
- (14) Section 9, chapter 92, Laws of 1903 and RCW 58.12.080."

On page 7, line 3 of the title amendment, after "58.17.060;" strike "and"

On page 7, line 4 of the title amendment, after "RCW" and before the period insert "; 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"

Signed by: Senators Halsan, McCaslin, Rasmussen; Representatives Haugen, Nutley, L. Smith.

### MOTION

On motion of Senator Halsan, the Report of the Conference Committee on Substitute House Bill No. 116 was adopted and the committee was granted the powers of Free Conference.

### REPORT OF CONFERENCE COMMITTEE

RE: HB 135

Changing provisions relating to the Western Library Network.

April 22, 1987

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom the above measure was referred, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the measure as follows:

The Senate Governmental Operations Committee amendments, as amended, be adopted with the following changes:

On page 2 of the Senate committee amendment, after line 9, insert the following:

"Sec. 2. Section 1, chapter 11, Laws of 1972 ex. sess. as last amended by section 1, chapter 221, Laws of 1985 and RCW 41.06.070 are each amended to read as follows:

The provisions of this chapter do not apply to:

(1) The members of the legislature or to any employee of, or position in, the legislative branch of the state government including members, officers, and employees of the legislative council, legislative budget committee, statute law committee, and any interim committee of the legislature;

(2) The justices of the supreme court, judges of the court of appeals, judges of the superior courts or of the inferior courts, or to any employee of, or position in the judicial branch of state government;

(3) Officers, academic personnel, and employees of state institutions of higher education, the state board for community college education, and the higher education personnel board;

(4) The officers of the Washington state patrol;

(5) Elective officers of the state;

(6) The chief executive officer of each agency;

(7) In the departments of employment security, fisheries, social and health services, the director and his confidential secretary; in all other departments, the executive head of which is an individual appointed by the governor, the director, his confidential secretary, and his statutory assistant directors;

(8) In the case of a multimember board, commission, or committee, whether the members thereof are elected, appointed by the governor or other authority, serve ex officio, or are otherwise chosen:

(a) All members of such boards, commissions, or committees;

(b) If the members of the board, commission, or committee serve on a part-time basis and there is a statutory executive officer: (i) The secretary of the board, commission, or committee; (ii) the chief executive officer of the board, commission, or committee; and (iii) the confidential secretary of the chief executive officer of the board, commission, or committee;

(c) If the members of the board, commission, or committee serve on a full-time basis: (1) The chief executive officer or administrative officer as designated by the board, commission, or committee; and (ii) a confidential secretary to the chairman of the board, commission, or committee;

(d) If all members of the board, commission, or committee serve ex officio: (1) The chief executive officer; and (ii) the confidential secretary of such chief executive officer;

(9) The confidential secretaries and administrative assistants in the immediate offices of the elective officers of the state;

(10) Assistant attorneys general;

(11) Commissioned and enlisted personnel in the military service of the state;

(12) Inmate, student, part-time, or temporary employees, and part-time professional consultants, as defined by the state personnel board or the board having jurisdiction;

(13) The public printer or to any employees of or positions in the state printing plant;

(14) Officers and employees of the Washington state fruit commission;

(15) Officers and employees of the Washington state apple advertising commission;

(16) Officers and employees of the Washington state dairy products commission;

(17) Officers and employees of the Washington tree fruit research commission;

(18) Officers and employees of the Washington state beef commission;

(19) Officers and employees of any commission formed under the provisions of chapter 191, Laws of 1955, and chapter 15.66 RCW;

(20) Officers and employees of the state wheat commission formed under the provisions of chapter 87, Laws of 1961 (chapter 15.63 RCW);

(21) Officers and employees of agricultural commissions formed under the provisions of chapter 256, Laws of 1961 (chapter 15.65 RCW);

(22) Officers and employees of the nonprofit corporation formed under chapter 67.40 RCW;

(23) Liquor vendors appointed by the Washington state liquor control board pursuant to RCW 66.08.050: PROVIDED, HOWEVER, That rules and regulations adopted by the state personnel board pursuant to RCW 41.06.150 regarding the basis for, and procedures to be followed for, the dismissal, suspension, or demotion of an employee, and appeals therefrom shall be fully applicable to liquor vendors except those part time agency vendors employed by the liquor control board when, in addition to the sale of liquor for the state, they sell goods, wares, merchandise, or services as a self-sustaining private retail business;

(24) Executive assistants for personnel administration and labor relations in all state agencies employing such executive assistants including but not limited to all departments, offices, commissions, committees, boards, or other bodies subject to the provisions of this chapter and this subsection shall prevail over any provision of law inconsistent herewith unless specific exception is made in such law;

(25) All employees of the marine employees' commission;

(26) Up to a total of five senior staff positions of the western library network under chapter 27.26 RCW responsible for formulating policy or for directing program management of a major administrative unit;

(27) In addition to the exemptions specifically provided by this chapter, the state personnel board may provide for further exemptions pursuant to the following procedures. The governor or other appropriate elected official may submit requests for exemption to the personnel board stating the reasons for requesting such exemptions. The personnel board shall hold a public hearing, after proper notice, on requests submitted pursuant to this subsection. If the board determines that the position for which exemption is requested is one involving substantial responsibility for the formulation of basic agency or executive policy or one involving directing and controlling program operations of an agency or a major administrative division thereof, the personnel board shall grant the request and such determination shall be final. The total number of additional exemptions permitted under this subsection shall not exceed one hundred eighty-seven for those agencies not directly under the authority of any elected public official other than the governor, and shall not exceed a total of twenty-five for all agencies under the authority of elected public officials other than the governor. The state personnel board shall report to each regular session of the legislature during an odd-numbered year all exemptions granted pursuant to the provisions of this subsection, together with the reasons for such exemptions.

The salary and fringe benefits of all positions presently or hereafter exempted except for the chief executive officer of each agency, full-time members of boards and commissions, administrative assistants and confidential secretaries in the immediate office of an elected state official, and the personnel listed in subsections (10) through (22) of this section, shall be determined by the state personnel board.

Any person holding a classified position subject to the provisions of this chapter shall, when and if such position is subsequently exempted from the application of this chapter, be afforded the following rights: If such person previously held permanent status in another classified position, such person shall have a right of reversion to the highest class of position previously held, or to a position of similar nature and salary.

Any classified employee having civil service status in a classified position who accepts an appointment in an exempt position shall have the right of reversion to the highest class of position previously held, or to a position of similar nature and salary, within four years from the date of appointment to the exempt position. However, (a) upon the prior request of the appointing authority of the exempt position, the personnel board may approve one extension of no more than four years; and (b) if an appointment was accepted prior to July 10, 1982, then the four-year period shall begin on July 10, 1982."

Remember the sections following consecutively, and correct internal references accordingly.

On page 2 of the Senate committee amendment, after line 9, insert the following:

"Sec. 2. Section 11, chapter 250, Laws of 1971 ex. sess. as last amended by section 8, chapter 276, Laws of 1986 and RCW 42.30.110 are each amended to read as follows:

(1) Nothing contained in this chapter may be construed to prevent a governing body from holding an executive session during a regular or special meeting:

(a) To consider matters affecting national security;

(b) To consider the selection of a site or the acquisition of real estate by lease or purchase when public knowledge regarding such consideration would cause a likelihood of increased price;

(c) To consider the minimum price at which real estate will be offered for sale or lease when public knowledge regarding such consideration would cause a likelihood of decreased price. However, final action selling or leasing public property shall be taken in a meeting open to the public;

(d) To review negotiations on the performance of publicly bid contracts when public knowledge regarding such consideration would cause a likelihood of increased costs;

(e) To consider, in the case of an export trading company, financial and commercial information supplied by private persons to the export trading company;

(f) To receive and evaluate complaints or charges brought against a public officer or employee. However, upon the request of such officer or employee, a public hearing or a meeting open to the public shall be conducted upon such complaint or charge;

(g) To evaluate the qualifications of an applicant for public employment or to review the performance of a public employee. However, subject to RCW 42.30.140(4), discussion by a governing body of salaries, wages, and other conditions of employment to be generally applied within the agency shall occur in a meeting open to the public, and when a governing body elects to take final action hiring, setting the salary of an individual employee or class of employees, or discharging or disciplining an employee, that action shall be taken in a meeting open to the public;

(h) To evaluate the qualifications of a candidate for appointment to elective office. However, any interview of such candidate and final action appointing a candidate to elective office shall be in a meeting open to the public;

(i) To discuss with legal counsel representing the agency matters relating to agency enforcement actions, or to discuss with legal counsel representing the agency litigation or potential litigation to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency;

(j) To consider, in the case of the state library commission or its advisory bodies, western library network prices, products, equipment, and services, when such discussion would be likely to adversely affect the network's ability to conduct business in a competitive economic climate. However, final action on these matters shall be taken in a meeting open to the public.

(2) Before convening in executive session, the presiding officer of a governing body shall publicly announce the purpose for excluding the public from the meeting place, and the time when the executive session will be concluded. The executive session may be extended to a stated later time by announcement of the presiding officer."

Remember the sections following consecutively, and correct internal references accordingly.

On page 5, line 15 of the Senate committee amendment, after "27.26.020," insert "41.06.070,"

On page 5, line 15 of the Senate committee amendment, after "27.26.020," insert "42.30.110,"

Signed by: Senators DeJarnatt, Zimmerman, Halsan; Representatives Peery, Sommers, Hankins.

#### MOTION

On motion of Senator Halsan, the Report of the Conference Committee on House Bill No. 135 was adopted and the committee was granted the powers of Free Conference.

#### REPORT OF CONFERENCE COMMITTEE

RE: SHB 364

Changing provisions relating to contractor registration and disclosure.

April 21, 1987

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom the above measure was referred, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the measure as follows:

The Commerce and Labor Committee amendments to page 1, line 6, be adopted, and the bill be further amended as follows:

On page 4, after line 2, insert the following:

"NEW SECTION, Sec. 5. The sum of one hundred one thousand, five hundred dollars, or so much thereof as may be necessary, is appropriated for the biennium ending June 30, 1989, from the general fund to the department of labor and industries for the purposes of section 1 of this act: PROVIDED, That the appropriation shall be limited to the amount generated during the biennium by the collection of fees under RCW 18.27.070."

On page 1, line 1 of the title, after "RCW 18.27.210:" strike the remainder of the title and insert "adding new sections to chapter 18.27 RCW; and making an appropriation."

Signed by: Senators Warnke, Lee, Smitherman; Representatives Wang, Cole, Patrick.

### MOTION

On motion of Senator Smitherman, the Report of the Conference Committee on Substitute House Bill No. 364 was adopted and the committee was granted the powers of Free Conference.

### REPORT OF CONFERENCE COMMITTEE

RE: EHB 435

Revising provisions on inactive real estate licenses.

April 23, 1987

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom the above measure was referred, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the measure as follows:

Strike everything after the enacting clause and insert the following:

"Sec. 1. 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. 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. Holders employed by the state and conducting real estate transactions on behalf of the state are exempt from this course requirement.

(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. 2. A new section is added to chapter 18.85 RCW to read as follows:

No person licensed under this chapter who is employed by the state and who is conducting real estate transactions on behalf of the state may hold an active license under this chapter.

NEW SECTION. Sec. 3. The legislature recognizes the value of an analytical review, removed from the political process, of proposals for regulation of professions not currently regulated and of proposals for increased regulation of professions, such as real estate, which the legislature already regulates. The legislature further finds that policies and standards set out for regulation of the health professions have equal applicability to other professions. To further the goal of governmental regulation only as necessary to protect the public interest and to promote economic development through employment, the legislature expands the scope of chapter 18.120 RCW to apply to business professions. The legislature intends that the reviews of proposed business profession regulation be conducted by the department of licensing's policy and research rather than regulatory staff and that the reviews be conducted and recommendations made in an impartial manner. Further, the legislature intends that the department of licensing provide sufficient staffing to conduct the reviews. Sections 3 through 7 of this act shall not be construed as affecting the application of standards for health professions under chapter 18.120 RCW prior to the effective date of this section.

Sec. 4. Section 1, chapter 168, Laws of 1983 and RCW 18.120.010 are each amended to read as follows:

(1) The purpose of this chapter is to establish guidelines for the regulation of both business and health professions not licensed or regulated prior to ((July 24, 1983)) the effective date of this 1987 section, and those licensed or regulated business or health professions which seek legislation to substantially increase their scope of practice or the level of regulation of the profession: PROVIDED, That the provisions of this chapter are not intended and shall not be construed to: (a) Apply to any regulatory entity created prior to ((July 24, 1983)) the effective date

of this 1987 section, except as provided in this chapter; (b) affect the powers and responsibilities of the superintendent of public instruction or state board of education under RCW 28A.04.120 and 28A.70.005; (c) apply to or interfere in any way with the practice of religion or to any kind of treatment by prayer; ~~((and))~~ (d) apply to any remedial or technical amendments to any statutes which licensed or regulated activity before ~~((July 24, 1983))~~ the effective date of this 1987 section; and (e) apply to proposals relating solely to continuing education. The legislature believes that all individuals should be permitted to enter into a ~~((health))~~ profession unless there is an overwhelming need for the state to protect the interests of the public by restricting entry into the profession. Where such a need is identified, the regulation adopted by the state should be set at the least restrictive level consistent with the public interest to be protected.

(2) It is the intent of this chapter that no regulation shall ~~((after July 24, 1983))~~ be imposed upon any ~~((health))~~ profession except for the exclusive purpose of protecting the public interest. All bills introduced in the legislature to regulate a ~~((health))~~ profession for the first time should be reviewed according to the following criteria. A ~~((health))~~ profession should be regulated by the state only when:

(a) Unregulated practice can clearly harm or endanger the health, safety, or welfare of the public, and the potential for the harm is easily recognizable and not remote or dependent upon tenuous argument;

(b) The public needs and can reasonably be expected to benefit from an assurance of initial and continuing professional ability; and

(c) The public cannot be effectively protected by other means in a more cost-beneficial manner.

(3) After evaluating the criteria in subsection (2) of this section and considering governmental and societal costs and benefits, if the legislature finds that it is necessary to regulate a ~~((health))~~ profession not previously regulated by law, the least restrictive alternative method of regulation should be implemented, consistent with the public interest and this section:

(a) Where existing common law and statutory civil actions and criminal prohibitions are not sufficient to eradicate existing harm, the regulation should provide for stricter civil actions and criminal prosecutions;

(b) Where a service is being performed for individuals involving a hazard to the public health, safety, or welfare, the regulation should impose inspection requirements and enable an appropriate state agency to enforce violations by injunctive relief in court, including, but not limited to, regulation of the business activity providing the service rather than the employees of the business;

(c) Where the threat to the public health, safety, or economic well-being is relatively small as a result of the operation of the ~~((health))~~ profession, the regulation should implement a system of registration;

(d) Where the consumer may have a substantial basis for relying on the services of a practitioner, the regulation should implement a system of certification; or

(e) Where apparent that adequate regulation cannot be achieved by means other than licensing, the regulation should implement a system of licensing.

Sec. 5. Section 3, chapter 117, Laws of 1985 as amended by section 28, chapter 326, Laws of 1985 and RCW 18.120.020 are each reenacted and amended to read as follows:

The definitions contained in this section shall apply throughout this chapter unless the context clearly requires otherwise.

(1) "Applicant group" includes any business or health professional group or organization, any individual, or any other interested party which proposes that ~~((any))~~ a respective business or health professional group not presently regulated be regulated or which proposes legislation to substantially increase the scope of practice or the level of regulation of the profession.

(2) "Business professions" means those business occupations or professions which are not health professions and include the following professions and occupations: Accountancy under chapter 18.04 RCW; architects under chapter 18.08 RCW; auctioneering under chapter 18.11 RCW; cosmetologists, barbers, and manicurists under chapter 18.16 RCW; contractors under chapter 18.27 RCW; debt adjusting under chapter 18.28 RCW; engineers and surveyors under chapter 18.43 RCW; escrow agents under chapter 18.44 RCW; real estate brokers and salespersons under chapter 18.85 RCW; landscape architects under chapter 18.96 RCW; water well construction under chapter 18.104 RCW; plumbers under chapter 18.106 RCW; and art dealers under chapter 18.110 RCW.

(3) "Certificate" and "certification" mean a voluntary process by which a statutory regulatory entity grants recognition to an individual who (a) has met certain prerequisite qualifications specified by that regulatory entity, and (b) may assume or use "certified" in the title or designation to perform prescribed ~~((health))~~ professional tasks.

~~((3))~~ (4) "Grandfather clause" means a provision in a regulatory statute applicable to practitioners actively engaged in the regulated ~~((health))~~ profession prior to the effective date of the regulatory statute which exempts the practitioners from meeting the prerequisite qualifications set forth in the regulatory statute to perform prescribed occupational tasks.

((f4)) (5) "Health professions" means and includes the following health and health-related licensed or regulated professions and occupations: Podiatry under chapter 18.22 RCW; chiropractic under chapters 18.25 and 18.26 RCW; dental hygiene under chapter 18.29 RCW; dentistry under chapter 18.32 RCW; dispensing opticians under chapter 18.34 RCW; hearing aids under chapter 18.35 RCW; drugless healing under chapter 18.36 RCW; embalming and funeral directing under chapter 18.39 RCW; midwifery under chapter 18.50 RCW; nursing home administration under chapter 18.52 RCW; nursing assistants in nursing homes under chapter 18.52A RCW; optometry under chapters 18.53 and 18.54 RCW; ophthalmologists under chapter 18.55 RCW; osteopathy and osteopathic medicine and surgery under chapters 18.57 and 18.57A RCW; pharmacy under chapters 18.64 and 18.64A RCW; medicine under chapters 18.71, 18.71A, and 18.72 RCW; emergency medicine under chapter 18.73 RCW; physical therapy under chapter 18.74 RCW; practical nurses under chapter 18.78 RCW; psychologists under chapter 18.83 RCW; registered nurses under chapter 18.88 RCW; occupational therapists licensed pursuant to chapter 18.59 RCW; veterinarians and animal technicians under chapter 18.92 RCW; health care assistants under chapter 18.135 RCW; massage practitioners under chapter 18.108 RCW; and acupuncturists certified under chapter 18.06 RCW.

((f5)) (6) "Inspection" means the periodic examination of practitioners by a state agency in order to ascertain whether the practitioners' occupation is being carried out in a fashion consistent with the public health, safety, and welfare.

((f6)) (7) "Legislative committees of reference" means the standing legislative committees designated by the respective rules committees of the senate and house of representatives to consider proposed legislation to regulate business or health professions not previously regulated.

((f7)) (8) "License", "licensing", and "licensure" mean permission to engage in a business or health profession which would otherwise be unlawful in the state in the absence of the permission. A license is granted to those individuals who meet prerequisite qualifications to perform prescribed business or health professional tasks and for the use of a particular title.

((f8)) (9) "Professional license" means an individual, nontransferable authorization to carry on ~~((a-health))~~ an activity based on qualifications which include: (a) Graduation from an accredited or approved program, and (b) acceptable performance on a qualifying examination or series of examinations.

((f9)) (10) "Practitioner" means an individual who (a) has achieved knowledge and skill by practice, and (b) is actively engaged in a specified business or health profession.

((f10)) (11) "Public member" means an individual who is not, and never was, a member of the ~~((health))~~ profession being regulated or the spouse of a member, or an individual who does not have and never has had a material financial interest in either the rendering of the business or health professional service being regulated or an activity directly related to the profession being regulated.

((f11)) (12) "Registration" means the formal notification which, prior to rendering services, a practitioner shall submit to a state agency setting forth the name and address of the practitioner; the location, nature and operation of the ~~((health))~~ activity to be practiced; and, if required by the regulatory entity, a description of the service to be provided.

((f12)) (13) "Regulatory entity" means any board, commission, agency, division, or other unit or subunit of state government which regulates one or more professions, occupations, industries, businesses, or other endeavors in this state.

((f13)) (14) "State agency" includes every state office, department, board, commission, regulatory entity, and agency of the state, and, where provided by law, programs and activities involving less than the full responsibility of a state agency.

Sec. 6, Section 3, chapter 168, Laws of 1983 and RCW 18.120.030 are each amended to read as follows:

After ~~((July 24, 1983))~~ the effective date of this 1987 section, if appropriate, applicant groups shall explain each of the following factors to the extent requested by the legislative committees of reference:

(1) A definition of the problem and why regulation is necessary:

(a) The nature of the potential harm to the public if the ~~((health))~~ profession is not regulated, and the extent to which there is a threat to public health and safety;

(b) The extent to which consumers need and will benefit from a method of regulation identifying competent practitioners, indicating typical employers, if any, of practitioners in the ~~((health))~~ profession; and

(c) The extent of autonomy a practitioner has, as indicated by:

(i) The extent to which the ~~((health))~~ profession calls for independent judgment and the extent of skill or experience required in making the independent judgment; and

(ii) The extent to which practitioners are supervised;

(2) The efforts made to address the problem:

(a) Voluntary efforts, if any, by members of the ~~((health))~~ profession to:

(i) Establish a code of ethics; or

(ii) Help resolve disputes between ~~((health))~~ practitioners and consumers; and

(b) Recourse to and the extent of use of applicable law and whether it could be strengthened to control the problem;

(3) The alternatives considered:

(a) Regulation of business employers or practitioners rather than employee practitioners;

(b) Regulation of the program or service rather than the individual practitioners;

(c) Registration of all practitioners;

(d) Certification of all practitioners;

(e) Other alternatives;

(f) Why the use of the alternatives specified in this subsection would not be adequate to protect the public interest; and

(g) Why licensing would serve to protect the public interest;

(4) The benefit to the public if regulation is granted:

(a) The extent to which the incidence of specific problems present in the unregulated ((health)) profession can reasonably be expected to be reduced by regulation;

(b) Whether the public can identify qualified practitioners;

(c) The extent to which the public can be confident that qualified practitioners are competent:

(i) Whether the proposed regulatory entity would be a board composed of members of the profession and public members, or a state agency, or both, and, if appropriate, their respective responsibilities in administering the system of registration, certification, or licensure, including the composition of the board and the number of public members, if any; the powers and duties of the board or state agency regarding examinations and for cause revocation, suspension, and nonrenewal of registrations, certificates, or licenses; the promulgation of rules and canons of ethics; the conduct of inspections; the receipt of complaints and disciplinary action taken against practitioners; and how fees would be levied and collected to cover the expenses of administering and operating the regulatory system;

(ii) If there is a grandfather clause, whether such practitioners will be required to meet the prerequisite qualifications established by the regulatory entity at a later date;

(iii) The nature of the standards proposed for registration, certification, or licensure as compared with the standards of other jurisdictions;

(iv) Whether the regulatory entity would be authorized to enter into reciprocity agreements with other jurisdictions; and

(v) The nature and duration of any training including, but not limited to, whether the training includes a substantial amount of supervised field experience; whether training programs exist in this state; if there will be an experience requirement; whether the experience must be acquired under a registered, certificated, or licensed practitioner; whether there are alternative routes of entry or methods of meeting the prerequisite qualifications; whether all applicants will be required to pass an examination; and, if an examination is required, by whom it will be developed and how the costs of development will be met;

(d) Assurance of the public that practitioners have maintained their competence:

(i) Whether the registration, certification, or licensure will carry an expiration date; and

(ii) Whether renewal will be based only upon payment of a fee, or whether renewal will involve reexamination, peer review, or other enforcement;

(5) The extent to which regulation might harm the public:

(a) The extent to which regulation will restrict entry into the ((health)) profession:

(i) Whether the proposed standards are more restrictive than necessary to insure safe and effective performance; and

(ii) Whether the proposed legislation requires registered, certificated, or licensed practitioners in other jurisdictions who migrate to this state to qualify in the same manner as state applicants for registration, certification, and licensure when the other jurisdiction has substantially equivalent requirements for registration, certification, or licensure as those in this state; and

(b) Whether there are similar professions to that of the applicant group which should be included in, or portions of the applicant group which should be excluded from, the proposed legislation;

(6) The maintenance of standards:

(a) Whether effective quality assurance standards exist in the ((health)) profession, such as legal requirements associated with specific programs that define or enforce standards, or a code of ethics; and

(b) How the proposed legislation will assure quality:

(i) The extent to which a code of ethics, if any, will be adopted; and

(ii) The grounds for suspension or revocation of registration, certification, or licensure;

(7) A description of the group proposed for regulation, including a list of associations, organizations, and other groups representing the practitioners in this state, an estimate of the number of practitioners in each group, and whether the groups represent different levels of practice; and

(8) The expected costs of regulation:



(a) The impact registration, certification, or licensure will have on the costs of the services to the public; and

(b) The cost to the state and to the general public of implementing the proposed legislation.

Sec. 7. Section 59, chapter 279, Laws of 1984 and RCW 18.120.040 are each amended to read as follows:

Applicant groups shall submit a written report explaining the factors enumerated in RCW 18.120.030 to the legislative committees of reference(;;). In addition, applicant groups with health professions proposals shall submit copies of ((which shall be sent)) the written report to the state health coordinating council and the department of licensing for review and comment. The state health coordinating council, in addition to the duties specified in RCW 70.38.065, shall make recommendations based on the report submitted by applicant groups to the extent requested by the legislative committees. Applicant groups, other than state agencies created prior to the effective date of this 1987 section, with business professions proposals shall submit copies of their written report to the department of licensing for review and comment. The department of licensing shall make recommendations based on the report to the extent requested by the legislative committees.

NEW SECTION, Sec. 8. There is appropriated from the general fund to the department of licensing for the biennium ending June 30, 1989, the sum of eighty-four thousand three hundred seventy-two dollars, or so much thereof as may be necessary, to carry out the purposes of sections 3 through 7 of this act.

On page 1, line 1 of the title, after "salesmen;" strike the remainder of the title and insert "amending RCW 18.85.215, 18.120.010, 18.120.030, and 18.120.040; reenacting and amending RCW 18.120.020; adding a new section to chapter 18.85 RCW; creating a new section; and making an appropriation."

Signed by: Senators Warnke, Tanner; Representatives Wang, Cole, Patrick.

#### MOTION

On motion of Senator Smitherman, the Report of the Conference Committee on Engrossed House Bill No. 435 was adopted and the committee was granted the powers of Free Conference.

#### REPORT OF CONFERENCE COMMITTEE

RE: SHB 773

Allowing county auditors to investigate and cancel invalid voter registration.

April 22, 1987

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom the above measure was referred, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the measure as follows:

That the Senate amendments to page 1, line 19, and page 2, line 7, be adopted; and the bill be further amended as follows:

On page 1, line 24, strike "forty-fifth" and insert "sixtieth"

On page 2, line 1, strike "forty-five" and insert "sixty"

On page 2, after line 21, insert the following:

NEW SECTION, Sec. 3. The intent and purpose of this chapter is to facilitate and encourage voter participation in elections in the state of Washington by enhancing voter registration through an additional means of voter registration known as registration by mail. This process is not meant to replace registration before a registrar but is an alternative to registration in person.

NEW SECTION, Sec. 4. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "By mail" means delivery of voter registration information by mail or by personal delivery, courier, or any other method of delivery.

(2) "Register" or "registration" refers to delivery by mail.

NEW SECTION, Sec. 5. The county auditor shall conduct voter registration within the county pursuant to this chapter. The provisions of this title, particularly RCW 29.04.080 and chapters 29.07 and 29.10 RCW, shall apply to this chapter and to registration by mail.

NEW SECTION, Sec. 6. (1) A qualified person may register to vote by delivering by mail or otherwise a completed registration form to the county auditor for the county in which the person resides.

(2) If a person mails or delivers a registration form to a county auditor other than the county auditor for the county in which the person resides, the form shall be immediately forwarded to the proper county auditor.

(3) Registration of a qualified person becomes effective when an accurate and complete registration form is received by the auditor, for the county in which the person resides, no later than thirty days prior to the next succeeding general, special, or primary election.

**NEW SECTION.** Sec. 7. The county auditor shall distribute forms by which a person may register to vote and cancel any previous registration in this state. The county auditor shall keep a supply of voter registration forms in his or her office at all times for political parties and others interested in assisting in voter registration, and shall make every effort to make these forms generally available to the public. The county auditor shall provide voter registration forms to city and town clerks, state offices, schools, and fire stations. After the initial distribution of voter registration forms to a given location, a representative designated by the official in charge of that location shall notify the county auditor of the need for additional voter registration supplies.

**NEW SECTION.** Sec. 8. In addition to the information required on the registration form as set out in RCW 29.07.070, when registering to vote by mail under this chapter, the person registering to vote shall provide the following information on the form for registering by mail:

(1) His or her driver's license number from a valid Washington state driver's license;

(2) If the applicant does not have a valid Washington state driver's license, then the applicant shall provide a valid Washington state identicaid number;

(3) If the applicant does not have a valid Washington state driver's license or a valid Washington state identicaid number, then the applicant shall provide his or her valid social security number.

If the applicant does not provide the information required in subsection (1), (2), or (3) of this section, the county auditor shall not process the form until the information is provided.

After providing the information concerning his or her qualifications, the applicant shall sign a statement in the following form: "I, the undersigned, declare that the facts set forth relating to my qualifications as a voter are true. I further declare that I am a citizen of the United States, that I am not presently denied my civil rights as a result of being convicted of an infamous crime, that I will have lived in this state, county, and precinct thirty days immediately preceding the next election at which I offer to vote, and that I will be at least eighteen years of age at the time of voting."

The applicant shall also sign his or her name upon a separate portion of the voter registration card, to be designated as an initiative signature card. On the initiative signature card portion, the county auditor shall provide the applicant's precinct name or number and the applicant shall provide his or her surname, given name or names, the name of the state, county, city or town in which the applicant resides, and the applicant's mailing address.

The voter registration form shall provide, in a conspicuous place, the following warning: "Any person who knowingly supplies false information on this voter registration form or who knowingly makes a false declaration as to his or her qualifications for registration is guilty of a class C felony punishable by confinement in a state correctional institution for five years, or by a fine in an amount fixed by the court of ten thousand dollars, or by both such confinement and fine."

Notwithstanding any other judgment which may be entered by the court, every individual found guilty of an offense as described in this section shall be sentenced to a minimum of forty-eight consecutive hours in an appropriate county jail facility.

**NEW SECTION.** Sec. 9. Any county auditor or elections official who registers or aids the registration of any person whom the auditor or elections official knows is not eligible by law to become a registered voter is guilty of a class B felony under RCW 9A.20.021.

**NEW SECTION.** Sec. 10. A person qualified to vote who wishes to register to vote, but who cannot provide the information required under section 8 of this act, may register in person under chapter 29.07 RCW.

**NEW SECTION.** Sec. 11. On receipt of an application for voter registration under this chapter, the county auditor shall review the application to determine whether the information supplied is complete and correct. If it is not, then the auditor within five days of receipt of the application shall send notice of the deficiency to the applicant. If the information is complete and correct, then the applicant shall be considered "registered" as of the date the complete and correct application was received by the auditor; and the auditor shall: (1) Enter on the registrant's voter record the appropriate precinct identification, taxing district identification, and date of registration, and (2) no later than fifteen days following the receipt of such application, send to the applicant, by first class mail, a voter registration card identifying the registrant's precinct and containing such other information as may be required by the secretary of state. The postal service shall be instructed not to forward a voter registration card to any other address and to return to the auditor any card which is not deliverable.

**NEW SECTION.** Sec. 12. (1) Any qualified elector temporarily residing outside the county of his or her permanent residence but within the state of Washington, may send or have delivered a completed registration by mail form to the auditor of the county in which he or she is temporarily residing. The auditor promptly shall transmit the form to the county auditor of the county where the applicant permanently resides. The county auditor of the applicant's place of

permanent residence shall immediately process the form in the manner provided in this chapter.

(2) As an alternative to the provisions in subsection (1) of this section, the elector may register by mail directly with the county auditor of the county of his or her permanent residence.

**NEW SECTION, Sec. 13.** The secretary of state shall adopt an application form for registering by mail. The form shall be compatible with the forms prescribed under RCW 29.07.140, and shall be designed so that an applicant will not be required to provide the same information, other than his or her signature, more than once. The form shall also contain instructions on its use, a notification of filing deadlines, a warning to the applicant of the penalty for knowingly supplying false information, and space for the county auditor to enter the voter's precinct identification, taxing district identification, and registration number.

**NEW SECTION, Sec. 14.** The secretary of state shall furnish registration forms necessary to carry out the registration of voters as provided by this chapter without cost to the respective counties. The secretary of state shall develop the forms in consultation with the county auditors.

**NEW SECTION, Sec. 15.** Except as provided otherwise in sections 8 and 9 of this act, violations of this chapter shall be prosecuted pursuant to RCW 29.85.190, 29.85.200, or any other applicable sections of chapter 29.85 RCW.

Sec. 16. Section 35A.29.030, chapter 119, Laws of 1967 ex. sess. and RCW 35A.29.030 are each amended to read as follows:

The city clerk shall be the registrar of voters in all code city precincts. In the case of code city precincts lying partly within and partly without the code city limits, the voters within and those without the city limits shall be registered in separate registration files. The city clerk shall take an oath as required by RCW 29.07.050 and shall perform his duties as registrar as provided in chapters 29.07 and 29.10 RCW. Expense of registration shall be paid or apportioned as provided in RCW 29.07.030 (~~and registration officers of code cities shall receive compensation; fees, and expenses as provided in RCW 29.07.040~~).

**NEW SECTION, Sec. 17.** Sections 3 through 15 of this act shall constitute a new chapter in Title 29 RCW.

**NEW SECTION, Sec. 18.** Section 29.07.040, chapter 9, Laws of 1965, section 6, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.040 are each repealed."

On page 1, line 1 of the title, after "registration," strike the remainder of the title and insert "amending RCW 35A.29.030; adding new sections to chapter 29.10 RCW; adding a new chapter to Title 29 RCW; repealing RCW 29.07.040; and prescribing penalties."

Signed by: Senators Halsan, Rinehart; Representatives Fisher, Pruitt, Sanders.

#### MINORITY REPORT OF CONFERENCE COMMITTEE

RE: SHB 773

Allowing county auditors to investigate and cancel invalid voter registration.

April 22, 1987

Mr. President:

Mr. Speaker:

That the Report of the Conference Committee not be adopted.

Signed by: Senator Pullen.

#### POINT OF ORDER

Senator Rasmussen: "Mr. President, I would like to raise the question of scope and object on Substitute House Bill No. 773. The reason for that is that the original bill was a simple little bill to allow the county auditors to purge their election lists of registered voters and what they are proposing to do is to add a completely separate bill which would add voting by mail or registering by mail. It's diametrically opposite the purpose of the original bill and doesn't fit the scope and object at all. I would urge the President to rule on that."

#### POINT OF ORDER

Senator Halsan: "Mr. President, a point of order. I am not begrudging Senator Rasmussen the scope and object challenge that he did, but as a matter of fact, there has been no motion yet to adopt the Report of the Conference Committee and grant the powers of Free Conference, so the actual language is not before us."

#### REPLY BY THE PRESIDENT

President Cherberg: "Senator Rasmussen, I am afraid you are going to have to wait until Senator Halsan, or someone else makes the motion."

## MOTION

Senator Halsan moved that the Report of the Conference Committee on Substitute House Bill No. 773 be adopted and the committee be granted the powers of Free Conference.

## POINT OF ORDER

Senator Rasmussen: "I would renew my point of order on scope and object."  
Debate ensued.

## MOTION

On motion of Senator Talmadge, further consideration of Substitute House Bill No. 773 was deferred.

Further debate on Substitute House Bill No. 773 ensued.

## REPORT OF CONFERENCE COMMITTEE

RE: ESHB 743

Revising community economic revitalization board statutes.

April 23, 1987

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom the above measure was referred, have had the same under consideration and we recommend the following:

The Senate amendment on page 7, line 10, after "subdivision," striking all material down through "biennium." on line 20, be adopted.

Signed by: Senators Warnke, Cantu, Smitherman; Representatives Vekich, Cantwell.

## MOTION

On motion of Senator Warnke, the Report of the Conference Committee on Engrossed Substitute House Bill No. 743 was adopted.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 743, as recommended by the Conference Committee.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 743, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yeas: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 46.

Absent: Senator Rinehart - 1.

Excused: Senators Bender, Kreidler - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 743, as recommended by the Conference Committee, having received the 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 HOUSE

April 23, 1987

Mr. President:

The House has adopted the Report of the Conference Committee on SUBSTITUTE HOUSE BILL NO. 734 and has granted said committee the powers of Free Conference. The Report of the Free Conference Committee is herewith transmitted.

SHARON CASE, Assistant Chief Clerk

## REPORT OF FREE CONFERENCE COMMITTEE

RE: SHB 734

Revising provisions regulating minor access to erotic materials.

April 21, 1987

Mr. President:

Mr. Speaker:

We of your Free Conference Committee, have had the same under consideration and we recommend that the measure be amended as proposed under the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on Substitute House Bill No. 734 read in on April 23)

Signed by: Senators Talmadge, McCaslin, Vognild; Representatives Armstrong, Scott, Padden.

## MOTION

On motion of Senator Talmadge, the Report of the Free Conference Committee on Substitute House Bill No. 734 was adopted.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 734, as amended by the Free Conference Committee.

## ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 734, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer; Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Haisan, Hansen, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Kreidler - 1.

SUBSTITUTE HOUSE BILL NO. 734, as amended by the Free Conference Committee, having received the 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 President advanced the Senate to the seventh order of business.

There being no objection, the Senate resumed consideration of Engrossed Second Substitute House Bill No. 477, as amended by the Senate, deferred on reconsideration April 10, 1987.

## MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator McDermott moved to reconsider the vote by which the Committee on Ways and Means amendment, as amended, was adopted on April 9, 1987.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator McDermott to reconsider the vote by which the Committee on Ways and Means amendment, as amended, was adopted.

The motion by Senator McDermott carried and the Senate will reconsider the Committee on Ways and Means amendment, as amended.

## MOTION

Senator McDermott moved that the following amendments to the Committee on Ways and Means amendment be considered simultaneously and adopted:

On page 5, line 7, after "account" insert "and may be expended without further appropriation"

On page 5, line 8, after "from" insert "other moneys in"

On page 5, line 19, after "health" strike "project" and insert "plan"

On page 5, line 23, after "the" strike all material down through "balance" on line 26, and insert "board shall not expend or encumber for an ensuing fiscal period amounts exceeding ninety percent of the amounts"

On page 16, beginning on line 30, strike "from the trust account"

On page 30, line 7, strike all of NEW SECTION, Sec. 27.

Renumber the remaining sections accordingly.

## POINT OF INQUIRY

Senator Sellar: "Senator McDermott, are those numbers in equal amounts, because you know there is some support on this side of the aisle--the part that is in the budget that will fund the health care plans at the level that you have requested?"

Senator McDermott: "Yes, the numbers are exactly the same."

## POINT OF INQUIRY

Senator Rasmussen: "Senator McDermott, you didn't explain very clearly when you moved to adopt all of the amendments. I presume--you are striking Section 27--appropriating from the general fund, but in addition they had the Department of Social and Health--had \$3,000,000 for the administration of it. You are striking Section 27, but Section 22 in there says, 'the Department of Social and Health Services shall, in effect, administer the plan.' Could you explain? You are turning this money over to the appointees of the plan to handle without any further supervision by Social and Health Services. I would like a little more explanation."

Senator McDermott: "There are two pieces to what you are talking about, Senator Rasmussen. There is \$3,000,000 that was voted for--that you voted for yesterday in the budget, that goes to Childrens' Orthopedic Hospital and Harborview Hospital because of the criteria which are set up in terms of their uncompensated care. There is an additional \$23,000,000 appropriated to the basic health plan which will be held until the last year of the biennium to be spent in a program that is going to be designed and approved by the Legislature in the next session of the Legislature."

Senator Rasmussen: "One of your amendments, Senator McDermott, says 'may be expended right away without further appropriation.' Could you explain that? Here's the bill if you want to look at it. I was just checking the amendment. I have it marked in the bill there--your first amendment on page 5, line 7--'after accounts, and may be expended without further appropriation.' That I don't understand when you are telling me that the plan will have to be approved by the next Legislature and in effect, you are telling me they can spend the money without further appropriation. That's on page 5, line 7."

## MOTION

On motion of Senator McDermott, further consideration of Engrossed Second Substitute House Bill No. 477 was deferred.

There being no objection, the President returned the Senate to the sixth order of business.

There being no objection, the Senate resumed consideration of Engrossed Substitute House Bill No. 611, deferred on second reading April 23, 1987.

## RULING BY THE PRESIDENT

President Cherberg: "In response to the point of order raised by Senator Talmadge, the President believes that Engrossed Substitute House Bill No. 611 includes \$10.4 million in general fund money which is included in Engrossed Substitute House Bill No. 527, the Omnibus Appropriations Act.

"The President, therefore, finds that Engrossed Substitute House Bill No. 611 is necessary to implement the budget and is properly before the Senate. The point of order is not well taken."

ENGROSSED SUBSTITUTE HOUSE BILL NO. 611 was ruled to be properly before the Senate.

## MOTION

On motion of Senator Vognild, the rules were suspended, Engrossed Substitute House Bill No. 611 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 611.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 611 and the bill passed the Senate by the following vote: Yeas, 40; nays, 8; absent, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Craswell, DeJamatt, Fleming, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Saling, Sellar, Smitherman, Stratton, Tanner, Vognild, von Reichbauer, Warnke, West, Wojahn, Zimmerman - 40.

Voting nay: Senators Conner, Garrett, Kreidler, McDermott, Moore, Rinehart, Talmadge, Williams - 8.

Absent: Senator Deccio - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 611, having received the 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 Senate resumed consideration of Engrossed Second Substitute House Bill No. 477, and the pending amendments by Senator McDermott to the Committee on Ways and Means amendment, as amended, on reconsideration, deferred earlier today.

Debate ensued.

## POINT OF INQUIRY

Senator Rasmussen: "Senator McDermott, the bill carries an emergency clause. I heard quite a lot of talk yesterday about the budget and that there wouldn't be any money available—that was passed here. The budget that was passed here takes care of this? Is that correct?"

Senator McDermott: "That's correct."

Senator Rasmussen: "It must be a pretty good budget then. You have been working on this for years, Senator McDermott."

Senator McDermott: "With stopped clock, he's right, twice a day and I think in the budget in the same way."

Senator Rasmussen: "The bill contains an emergency clause—the \$23,000,000 will be deposited immediately in the trust account in the Treasurer's office? Is that correct?"

Senator McDermott: "Senator Rasmussen, this plan does not go into effect until July 1, 1988. The money is reserved so that it can be used for the plan and it will not be spent until July 1, 1988, when the plan is developed and actually implemented."

Further debate ensued.

The President declared the question before the Senate to be adoption of the amendments by Senator McDermott to the Committee on Ways and Means amendment, as amended, on reconsideration.

The motion by Senator McDermott carried and the amendments to the committee amendment, on reconsideration, were adopted.

The President declared the question before the Senate to be adoption of the Committee on Ways and Means amendment, as amended, on reconsideration.

The Committee on Ways and Means amendment, as amended, on reconsideration, was adopted.

## MOTION

On motion of Senator McDermott, the following title amendment was adopted: On page 31, line 17, after "sections;" strike "making appropriations;"

On motion of Senator McDermott, the rules were suspended, Engrossed Second Substitute House Bill No. 477, as amended by the Senate, on reconsideration, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Second Substitute House Bill No. 477, as amended by the Senate, on reconsideration.

## MOTION

On motion of Senator Zimmerman, Senators Cantu, Hayner, and McDonald were excused.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Second Substitute House Bill No. 477, as amended by the Senate, on reconsideration, and the bill passed the Senate by the following vote: Yeas, 42; nays, 4; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McDermott, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognilid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 42.

Voting nay: Senators Benitz, Craswell, McCaslin, Pullen - 4.

Excused: Senators Cantu, Hayner, McDonald - 3.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 477, as amended by the Senate, on reconsideration, having received the 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

At 10:39 a.m., on motion of Senator Vognilid, the Senate was declared to be at ease.

The Senate was called to order at 1:30 p.m. by President Cherberg.

## SECOND READING

## CONFIRMATION OF GÜBERNATORIAL APPOINTMENT

## MOTION

On motion of Senator Vognilid, Gubernatorial Appointment No. 9079, Alexander Swantz, as a member of the Board of Trustees for Walla Walla Community College District No. 20, was confirmed.

## APPOINTMENT OF ALEXANDER SWANTZ

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 41; absent, 8.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Tanner, Vognilid, von Reichbauer, Warnke, West, Zimmerman - 41.

Absent: Senators Benitz, Conner, McCaslin, McDermott, Peterson, Smitherman, Williams, Wojahn - 8.

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

## MESSAGE FROM THE HOUSE

April 16, 1987

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 5556 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 except for: (i) Repairs, reconstruction, or improvements to a structure which do not increase the ground floor area; and (ii) repairs, reconstruction, or improvements to a structure the cost of which does not exceed fifty percent of the market value of the structure either, (A) before the repair, reconstruction, or repair is started, or (B) if the structure has been damaged, and is being restored, before the damage occurred. Work done on structures to comply with existing health, sanitary, or safety codes or to structures identified as historic places shall not be included in the fifty percent determination;

(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, ~~((86-16-086))~~ 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 86.16.080;~~) 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.

NEW SECTION, Sec. 14. A new section is added to chapter 86.16 RCW to read as follows:

(1) A town in that portion of the Snohomish river flood control zone in existence as of January 1, 1987, within King county may apply to the department of ecology for an exemption from this chapter for (a) those structures or improvements constructed prior to August 15, 1966, and (b) any property situated within a plat that was filed for record prior to August 15, 1966.

(2) The department of ecology may grant an exemption under subsection (1) of this section if the department of ecology finds the exemption is warranted due to the physical characteristics within the town."

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."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Bender, Senator Peterson was excused.

MOTION

Senator Kreidler moved that the Senate do concur in the House amendments to Engrossed Senate Bill No. 5556.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Kreidler that the Senate do concur in the House amendments to Engrossed Senate Bill No. 5556.

The motion by Senator Kreidler carried and the Senate concurred in the House amendments to Engrossed Senate Bill No. 5556.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 5556, as amended by the House.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 5556, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; absent, 3; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, Moore, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Wojahn, Zimmerman - 45.

Absent: Senators McDermott, Metcalf, Williams - 3.

Excused: Senator Peterson - 1.

ENGROSSED SENATE BILL NO. 5556, 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 HOUSE

April 13, 1987

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5081 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."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

Senator Vognild moved that the Senate do concur in the House amendments to Engrossed Substitute Senate Bill No. 5081.

#### POINT OF ORDER

Senator Rasmussen: "Mr. President, I would like to raise scope and object. That amendment adds 'Roll On Columbia' to winter recreation--'Roll On Columbia' separately or on its own probably can achieve publicity, but it should not be attached to this particular bill. I think it exceeds the scope and object of the bill."

Debate ensued.

## RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Rasmussen, the President finds that Engrossed Substitute Senate Bill No. 5081 is a measure reestablishing the Winter Recreation Commission.

"The amendments proposed by the House of Representatives establish 'Roll On Columbia, Roll On' as the official state folk song.

"The President, therefore, finds that the proposed amendments do change the scope and object of the bill and that the point of order is well taken."

The amendments by the House of Representatives to Engrossed Substitute Senate Bill No. 5081 were ruled out of order.

## MOTIONS

On motion of Senator Bottiger, and there being no objection, the motion by Senator Vognild to concur in the House amendments to Engrossed Substitute Senate Bill No. 5081 was withdrawn.

On motion of Senator Bottiger, the Senate refuses to concur in the House amendments to Engrossed Substitute Senate Bill No. 5081 and asks the House to recede therefrom.

## MESSAGE FROM THE HOUSE

April 16, 1987

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 5632 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."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTION

Senator Bauer moved that the Senate do concur in the House amendments to Substitute Senate Bill No. 5632.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Bauer that the Senate do concur in the House amendments to Substitute Senate Bill No. 5632.

The motion by Senator Bauer carried and the Senate concurred in the House amendments to Substitute Senate Bill No. 5632.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5632, as amended by the House.

## POINT OF INQUIRY

Senator Patterson: "Senator Gaspard, I am seeking a little information, admitting there are parts of this program that I do not understand, but I would like to have some clarification. When we put into the basic allocation for certified teachers, we increased the number from K-3 in the budget that we just passed, is that your understanding or does it go beyond that?"

Senator Gaspard: "The question is in the budget that you passed last night--whether or not you had additional certificated staff?"

Senator Patterson: "From K-3 or above? Was it K-3?"

Senator Gaspard: "Current law for K-3 is fifty-one certificated staff per one thousand students and the budget you passed last night provided for fifty-four certificated staff per one thousand students."

Senator Patterson: "Now, was it your understanding--it was my understanding, that it would be directed into the lower grades?"

Senator Gaspard: "Yes, that is my understanding that it is directed specifically to the K-12 program. But, please keep one thing in mind when we look at class size in the state of Washington, and I have repeated this over and over again and I know you are probably tired of hearing it, we are forty-eighth in all the states in our class size.

"In the program that we had put before in House Bill No. 455, which is on our calendar here, is to get the fifty-five certificated staff per one thousand students in all K-12 by the school year 1993. If we were to do that by 1993, we would be twenty percent below the national average of class size of what it is right now, so I think what I am trying to explain, Senator Patterson, although we are making improvements with the budget you passed last night, I wish we could go further. There is still going to be a need for helping children that are slower than others or having a more difficult time grasping the basic rudiments. If you could get those children to understand the programs, the reading assignments, the math assignments, early enough, hopefully those problems will not carry forward into the upper grades."

Senator Patterson: "So, we put that into the Basic Education Act and now it will become basic education--that formula?"

Senator Gaspard: "Well, actually it's not part of the Basic Education Act. It's categorical. It's interpreted to be that if the state is going to have in its statute a program, the state has to follow with its financial commitment that those programs will be funded."

Senator Patterson: "Is that the same with the remedial assistance program that we are talking about here? Is that part of the Basic Education Act and a requirement that we expend dollars for that?"

Senator Gaspard: "Senator Patterson, remediation is not part of the Basic Education Act. It can be considered to be--"

Senator Patterson: "In other words, I am trying to find out if we break a law if we do not pass this?"

Senator Gaspard: "Current law is remediation for grades two through six. This will improve the law to provide for remediation for children in kindergarten through the ninth grade. In the past budgets that we have considered, we have had funds available to go beyond current law, to go up to ninth grade."



Senator Patterson: "But we do have dollars in here from two thru six? Is that what you said? Under current law, we have provided dollars for remediation for grades two through six?"

Senator Gaspard: "The current budget has provided remediation funds in grades two through nine."

Senator Patterson: "Through nine? Thank you, Senator Gaspard."

Senator Gaspard: "Statute only requires two through six."

#### POINT OF INQUIRY

Senator Anderson: "Senator Bauer, currently we have in statute remediation for grades two through six. I started looking at this bill in front of us and now we are going to start remediating children at a kindergarten level. I want to know what background--what statistics--we have that children coming into kindergarten need remediation?"

Senator Bauer: "Thank you, Senator Anderson. There are a lot of statistics about children enrolling in the first grade who are already behind their peers. That's one of the reasons that the Governor and others have advocated and hosts of studies have advocated early intervention--early childhood education, pre-school education, headstart education. The federal government launched on to a major project in Headstart recognizing that children at risk, for all of the reasons--economic, social, psychological, political and all. There are many children who start off not on the starting line; they are way behind their peers on the starting line. When a classroom with twenty-five to thirty children in the first grade, as you know Senator Anderson, with children sufficiently behind, so that the basic curriculum that you offer is just above their level of comprehension, it isn't long before they start losing right away. So, a one-on-one situation, whether it be parents or whatever else, is very, very necessary as you would, I think, admit. So, yes there is a need for first grade remediation. There is a need for pre-first grade remediation and there is plenty of evidence on that, Senator Anderson."

Further debate ensued.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5632, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 25; nays, 24.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kreidler, McDermott, Moore, Owen, Peterson, Rasmussen, Rinehart, Smitherman, Stratton, Talmadge, Tanner, Vognild, Warnke, Williams, Wojahn - 25.

Voting nay: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Patterson, Pullen, Saling, Sellar, von Reichbauer, West, Zimmerman - 24.

SUBSTITUTE SENATE BILL NO. 5632, 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 HOUSE

April 7, 1987

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 5821 with the following amendment:

On page 1, beginning on line 19 after "(1987:))" strike everything down to and including "employment." on line 23.

and the bill and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

On motion of Senator Vognild, and there being no objection, Engrossed Senate Bill No. 5821 was referred to the Committee on Rules.

## MESSAGE FROM THE HOUSE

April 13, 1987

Mr. President:

The House has passed SECOND SUBSTITUTE SENATE BILL NO. 5871 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 material down to and including "recipients" on page 2, line 32.

Re-number 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",

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Rinehart, the Senate concurred in the House amendments to Second Substitute Senate Bill No. 5871.

The President declared the question before the Senate to be the roll call on final passage of Second Substitute Senate Bill No. 5871, as amended by the House.

## ROLL CALL

The Secretary called the roll on final passage of Second Substitute Senate Bill No. 5871, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 30; nays, 18; absent, 1.

Voting yea: Senators Anderson, Bauer, Bender, Bottiger, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McDermott, Moore, Owen, Patterson, Peterson, Rinehart, Saling, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 30.

Voting nay: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Pullen, Rasmussen, Sellar, West, Zimmerman - 18.

Absent: Senator Conner - 1.

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.

## MESSAGE FROM THE HOUSE

April 23, 1987

Mr. President:

The House refuses to recede from its amendments to ENGROSSED SENATE BILL NO. 5463 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Ebersole, Locke and Betzoff.

ALAN THOMPSON, Chief Clerk

## MOTION

Senator Vognild moved that the Senate insist on its position, refuse to grant the request of the House for a conference on Engrossed Senate Bill No. 5463 and once again asks the House to recede therefrom.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Vognild that the Senate insist on its position, refuse to grant a conference on Engrossed Senate Bill No. 5463 and once again asks the House to recede therefrom.

The motion by Senator Vognild carried and the Senate insists on its positions, refuses to grant the request of the House for a conference on Engrossed Senate Bill No. 5463 and once again asks the House to recede therefrom.

## MESSAGE FROM THE HOUSE

April 23, 1987

Mr. President:

The House refuses to recede from its amendments to SUBSTITUTE SENATE BILL NO. 5854 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Braddock, Lux and Betrozoff.

SHARON L. CASE, Assistant Chief Clerk

## MOTION

On motion of Senator Vognild, the Senate insists on its position, refuses to grant the request of the House for a conference on Substitute Senate Bill No. 5854 and once again asks the House to recede therefrom.

## MESSAGE FROM THE HOUSE

April 22, 1987

Mr. President:

The House concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 400, on page 11, line 18, and both amendments on page 17, line 16; refused to concur in the remaining Senate amendments and asks the Senate to recede therefrom, and the same are herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

## MOTION

On motion of Senator Vognild, the Senate insists on its position regarding the remaining Senate amendments to Substitute House Bill No. 400 and once again asks the House to concur therein.

## MESSAGE FROM THE HOUSE

April 22, 1987

Mr. President:

The House refuses to concur in the Senate amendment to ENGROSSED HOUSE BILL No. 432 and asks the Senate to recede therefrom, and the bill and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Vognild, the Senate insists on its position regarding the Senate amendment to Engrossed House Bill No. 432 and once again asks the House to concur therein.

## MESSAGE FROM THE HOUSE

April 23, 1987

Mr. President:

The House insists on its position regarding the House amendments to SENATE BILL NO. 5159 and once again asks the Senate to concur therein, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator DeJarnatt, the Senate concurred in the House amendments to Senate Bill No. 5159.

## MOTION

On motion of Senator Bender, Senator Kreidler was excused.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5159, as amended by the House.

## ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5159, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; nays, 7; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Lee, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 41.

Voting nay: Senators Anderson, Benitz, Cantu, Deccio, McCaslin, Saling, Sellar - 7.

Excused: Senator Kreidler - 1.

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.

#### MESSAGE FROM THE HOUSE

April 23, 1987

Mr. President:

The House refuses to concur in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 454 and asks the Senate to recede therefrom, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

Senator Vognild moved that the Senate do recede from its amendments to Engrossed Substitute House Bill No. 454.

#### MOTION

Senator Newhouse moved that the Senate refuse to recede from its amendments to Engrossed Substitute House Bill No. 454 and asks the House to concur therein.

Debate ensued.

#### POINT OF INQUIRY

Senator Rasmussen: "Senator Bottiger, I know you are a man of your word and you never go back on your commitments. It seems to me that you mentioned you made a commitment to get the bill out of Rules. It seems to me that your partner in that commitment was Senator Hayner. Has she given you permission to go back on your word on your commitment?"

Senator Bottiger: "Senator, just as I made a mistake in what I heard said about the negotiations and the status of the budget, I was very careful and what I said in Rules was that I agreed to support the division on the floor of the Senate for the first time--that we would agree to the split on the amendment--agree to the Senate amendment--to split these two boards out. I didn't agree on the concurrences."

Senator Rasmussen: "I didn't hear that, and I was down in Rules, that you were only going to give it one vote. I thought it was good faith and I know you don't like people unless they keep their word and when you give a commitment to a certain person like Senator Hayner, I feel you should keep that commitment. My commitments don't go that far, but I think that if a person that makes a pledge, he should follow through and I know if Senator Hayner did that, she would."

Senator Rasmussen demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the positive motion by Senator Vognild that the Senate recede from its amendments to Engrossed Substitute House Bill No. 454.

#### ROLL CALL

The Secretary called the roll and the motion to recede from the amendments to Engrossed Substitute House Bill No. 454 failed by the following vote: Yeas, 24; nays, 25.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kreidler, McDermott, Moore, Owen, Peterson, Rinehart, Smitherman, Stratton, Talmadge, Tanner, Vognild, Warnke, Williams, Wojahn - 24.

Voting nay: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Patterson, Pullen, Rasmussen, Saling, Sellar, von Reichbauer, West, Zimmerman - 25.

## MOTION

On motion of Senator Vognild, the Senate insists on its position regarding the Senate amendments to Engrossed House Bill No. 454 and once again asks the House to concur therein.

## MESSAGE FROM THE HOUSE

April 23, 1987

Mr. President:

The House ruled the Senate amendments to HOUSE BILL NO. 992 beyond the scope and object of the bill. The House refuses to concur in the Senate amendments and asks the Senate to recede therefrom, and the same are herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

## MOTION

On motion of Senator Williams, the Senate receded from its amendments to House Bill No. 992.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 992, without the Senate amendments.

## ROLL CALL

The Secretary called the roll on final passage of House Bill No. 992, without the Senate amendments, and the bill passed the Senate by the following vote: Yeas, 48; nays, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Voting nay: Senator Pullen - 1.

HOUSE BILL NO. 992, without the Senate amendments, having received the 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 HOUSE

April 23, 1987

Mr. President:

The House refuses to recede from its amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 5001 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Crane, Hargrove and Padden.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Vognild, the Senate granted the request of the House for a conference on Engrossed Substitute Senate Bill No. 5001 and the House amendments thereto.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute Senate Bill No. 5001 and the House amendments thereto: Senators Talmadge, Newhouse and Halsan.

## MOTION

On motion of Senator Vognild, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

April 23, 1987

Mr. President:

The House refuses to recede from its amendment to ENGROSSED SENATE BILL NO. 5035 and asks the Senate for a conference thereon. The Speaker has appointed

the following members as conferees: Representatives H. Sommers, Peery and Hankins.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Vognild, the Senate granted the request of the House for a conference on Engrossed Senate Bill No. 5035 and the House amendment thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Senate Bill No. 5035 and the House amendment thereto: Senators Kreidler, Kiskaddon, and Rinehart.

MOTION

On motion of Senator Vognild, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

April 22, 1987

Mr. President:

The House refuses to recede from its amendments to SENATE BILL NO. 5072 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Rust, Unsoeld and Walker.

SHARON L. CASE, Assistant Chief Clerk

MOTION

On motion of Senator Vognild, the Senate granted the request of the House for a conference on Senate Bill No. 5072 and the House amendments thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Senate Bill No. 5072 and the House amendments thereto: Senators Kreidler, Bluechel and Williams.

MOTION

On motion of Senator Vognild, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

April 23, 1987

Mr. President:

The House refuses to recede from its amendments to SUBSTITUTE SENATE BILL NO. 5163 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Braddock, Spanel and Brooks.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Vognild, the Senate granted the request of the House for a conference on Substitute Senate Bill No. 5163 and the House amendments thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute Senate Bill No. 5163 and the House amendments thereto: Senators Wojahn, Anderson and Garrett.

MOTION

On motion of Senator Vognild, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

April 23, 1987

Mr. President:

The House refuses to recede from its amendments to SENATE BILL NO. 5172 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Locke, Scott and Padden.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Vognild, the Senate granted the request of the House for a conference on Senate Bill No. 5172 and the House amendments thereto.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Senate Bill No. 5172 and the House amendments thereto: Senators Talmadge, Nelson and Halsan.

## MOTION

On motion of Senator Vognild, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

April 23, 1987

Mr. President:

The House has receded from its amendment to SENATE BILL NO. 5550 on page 4, line 28; refuses to recede from its amendment on page 5, line 19 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Cooper, Armstrong and Padden.

SHARON L. CASE, Assistant Chief Clerk

## MOTION

On motion of Senator Vognild, the Senate granted the request of the House for a conference on Senate Bill No. 5550 and the House amendment thereto.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Senate Bill No. 5550 and the House amendment thereto: Senators Talmadge, Nelson and Moore.

## MOTION

On motion of Senator Vognild, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

April 23, 1987

Mr. President:

The House refuses to recede from its amendment to SENATE BILL NO. 5678 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Jacobsen, Locke and Allen.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Vognild, the Senate granted the request of the House for a conference on Senate Bill No. 5678 and the House amendment thereto.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Senate Bill No. 5678 and the House amendment thereto: Senators Fleming, Patterson and Rinehart.

## MOTION

On motion of Senator Vognild, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

April 22, 1987

Mr. President:

The House refuses to recede from its amendments to SUBSTITUTE SENATE BILL NO. 5814 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Nutley, Todd and J. Williams.  
SHARON L. CASE, Assistant Chief Clerk

## MOTION

On motion of Senator Vognild, the Senate granted the request of the House for a conference on Substitute Senate Bill No. 5814 and the House amendments thereto.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute Senate Bill No. 5814 and the House amendments thereto: Senators Warnke, West and Vognild.

## MOTION

On motion of Senator Vognild, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

April 23, 1987

Mr. President:

The House refuses to recede from its amendments to SUBSTITUTE SENATE BILL NO. 5825 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Appelwick, Crane and Padden.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Bender, the Senate granted the request of the House for a conference on Substitute Senate Bill No. 5825 and the House amendments thereto.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute Senate Bill No. 5825 and the House amendments thereto: Senators Talmadge, Nelson and Smitherman.

## MOTION

On motion of Senator Bender, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

April 23, 1987

Mr. President:

The House refuses to recede from its amendments to ENGROSSED SENATE BILL NO. 6012 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Crane, Heavey and L. Smith.  
ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Bender, the Senate granted the request of the House for a conference on Engrossed Senate Bill No. 6012 and the House amendments thereto.



## APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Senate Bill No. 6012 and the House amendments thereto: Senators Moore, McCaslin and Tanner.

## MOTION

On motion of Senator Bender, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

April 23, 1987

Mr. President:

The House insists on its position regarding the House amendment to ENGROSSED SENATE CONCURRENT RESOLUTION NO. 8406 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Haugen, Basich and S. Wilson.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Bender, the Senate granted the request of the House for a conference on Engrossed Senate Concurrent Resolution No. 8406 and the House amendment thereto.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Senate Concurrent Resolution No. 8406 and the House amendment thereto: Senators Stratton, Metcalf and Rasmussen.

## MOTION

On motion of Senator Bender, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

April 23, 1987

Mr. President:

The House refuses to concur in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 83 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Walk, Baugher and Schmidt.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Bender, the Senate granted the request of the House for a conference on Engrossed Substitute House Bill No. 83 and the Senate amendments thereto.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute House Bill No. 83 and the Senate amendments thereto: Senators Bender, Patterson and Peterson.

## MOTION

On motion of Senator Bender, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

April 23, 1987

Mr. President:

The House refuses to concur in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 419 and asks the Senate for a conference thereon. The Speaker has

appointed the following members as conferees: Representatives Appelwick, Armstrong and Padden.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Bender, the Senate granted the request of the House for a conference on Substitute House Bill No. 419 and the Senate amendments thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute House Bill No. 419 and the Senate amendments thereto: Senators Talmadge, Newhouse and Halsan.

MOTION

On motion of Senator Bender, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

April 23, 1987

Mr. President:

The House ruled the Senate amendments to SECOND SUBSTITUTE HOUSE BILL NO. 684, beyond the scope and object of the bill. The House refuses to concur in the Senate amendments and asks for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Cooper, Locke and Brough.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Bender, the Senate granted the request of the House for a conference on Second Substitute House Bill No. 684 and the Senate amendments thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Second Substitute House Bill No. 684 and the Senate amendments thereto: Senators Talmadge, Nelson and Halsan.

MOTION

On motion of Senator Bender, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

April 23, 1987

Mr. President:

The House refuses to concur in the Senate amendments to ENGROSSED HOUSE BILL NO. 713 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Lux, Crane and Winsley.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Bender, the Senate granted the request of the House for a conference on Engrossed House Bill No. 713 and the Senate amendments thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed House Bill No. 713 and the Senate amendments thereto: Senators Bender, Pullen and Moore.

MOTION

On motion of Senator Bender, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

April 23, 1987

Mr. President:

The House has ruled the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 927 beyond the scope and object of the bill. The House refuses to concur in the Senate amendments and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Armstrong, Hargrove and Padden.

SHARON L. CASE, Assistant Chief Clerk

## MOTION

On motion of Senator Bender, the Senate granted the request of the House for a conference on Engrossed Substitute House Bill No. 927 and the Senate amendments thereto.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute House Bill No. 927 and the Senate amendments thereto: Senators Rinehart, Pullen and Bottiger.

## MOTION

On motion of Senator Bender, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

April 23, 1987

Mr. President:

The House refuses to concur in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 931 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Leonard, Braddock and Brooks.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Bender, the Senate granted the request of the House for a conference on Engrossed Substitute House Bill No. 931 and the Senate amendments thereto.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute House Bill No. 931 and the Senate amendments thereto: Senators Tanner, Deccio and Wojahn.

## MOTION

On motion of Senator Bender, the Conference Committee appointments were confirmed.

## MOTION

On motion of Senator Bender, the Conference Committee appointees on Substitute House Bill No. 738 (appointed April 23, 1987) were relieved of further consideration of the bill.

## APPOINTMENT OF NEW CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute House Bill No. 738 and the Senate amendment thereon: Senators Wojahn, Anderson and Tanner.

## MOTION

On motion of Senator Bender, the new Conference Committee appointments were confirmed.

## MOTION

On motion of Senator Vognild, the Senate advanced to the sixth order of business.

On motion of Senator Vognild, the Senate resumed consideration of Engrossed Substitute House Bill No. 758, deferred on second reading April 23, 1987.

## RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Rasmussen, the President believes that Engrossed Substitute House Bill No. 758, which establishes the Department of Wildlife, includes \$8 million in general fund money which is included in Engrossed Substitute House Bill No. 527, the Omnibus Appropriations Act.

"The President, therefore, finds that Engrossed Substitute House Bill No. 758 is necessary to implement the budget and is properly before the Senate.

"The point of order is not well taken."

ENGROSSED SUBSTITUTE HOUSE BILL NO. 758 was ruled properly before the Senate.

## MOTION

Senator Owen moved that the following Committee on Ways and Means amendment be adopted:

Strike everything after the enacting clause and insert the following:

\*NEW SECTION. Sec. 1. Washington's fish and wildlife resources are the responsibility of all residents of the state. We all benefit economically, recreationally, and aesthetically from these resources. Wildlife management should provide for healthy populations of all species. However, the wildlife management emphasis in the state of Washington shall not cause a reduction of recreational opportunity of traditional hunting and fishing activities. Adequate funding for proper management, now and for future generations, is the responsibility of everyone.

The intent of the legislature is: (1) To allow the governor to select the director of wildlife; (2) to retain the authority of the wildlife commission to establish the goals and objectives of the department; (3) to insure a high level of public involvement in the decision-making process; (4) to provide effective communications among the commission, the governor, the legislature, and the public; (5) to expand the scope of appropriate funding for the management, conservation, and enhancement of wildlife; and (6) for the commission to carry out any other responsibilities prescribed by the legislature in this title.

Sec. 2. 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, (3) the department of labor and industries, (4) the department of agriculture, (5) the department of fisheries, (6) the department of ~~((game))~~ wildlife, (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. 3. 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, (3) the director of labor and industries, (4) the director of agriculture, (5) the director of fisheries, (6) the director of ~~((game))~~ wildlife, (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: PROVIDED, That the director of wildlife shall be appointed according to the provisions of RCW 77.04.080. 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. A temporary director of wildlife shall not serve more than one year. 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)). There is appropriated from the general fund to the department of wildlife for the biennium ending June 30, 1989, the sum of eight~~

million dollars: PROVIDED. That four million five hundred thousand dollars of this appropriation shall revert to the general fund if the comprehensive spending plan submitted to the legislature under section 7(2) of this 1987 act is rejected by the legislature in the 1988 session: PROVIDED FURTHER. That three million five hundred thousand dollars of this appropriation may be expended by the department of wildlife without regard to approval of the comprehensive spending plan.

Sec. 4. Section 77.04.020, chapter 36, Laws of 1955 as amended by section 3, chapter 78, Laws of 1980 and RCW 77.04.020 are each amended to read as follows:

The department of ~~((game))~~ wildlife consists of the state ~~((game))~~ wildlife commission and the director of ~~((game))~~ wildlife. The director is responsible for the administration and operation of the department, subject to the provisions of this title. The commission may delegate to the director additional duties and powers necessary and appropriate to carry out this title. The director shall perform the duties prescribed by law ~~((and the commission))~~ and shall carry out the basic goals and objectives prescribed pursuant to section 7 of this 1987 act.

Sec. 5. Section 77.04.030, chapter 36, Laws of 1955 as last amended by section 11, chapter 338, Laws of 1981 and RCW 77.04.030 are each amended to read as follows:

The state ~~((game))~~ wildlife commission consists of six registered voters of the state. In January of each odd-numbered year, the governor shall appoint with the advice and consent of the senate two registered voters to the commission to serve for terms of six years from that January or until their successors are appointed and qualified. If a vacancy occurs on the commission prior to the expiration of a term, the governor shall appoint a registered voter within sixty days to complete the term. Three members shall be residents of that portion of the state lying east of the summit of the Cascade mountains, and three shall be residents of that portion of the state lying west of the summit of the Cascade mountains. No two members may be residents of the same county. The legal office of the commission is at the administrative office of the department in Olympia.

Sec. 6. Section 77.04.040, chapter 36, Laws of 1955 as amended by section 5, chapter 78, Laws of 1980 and RCW 77.04.040 are each amended to read as follows:

Persons eligible for appointment as members of the commission shall have general knowledge of the habits and distribution of wildlife and shall not hold another state, county, or municipal elective or appointive office. In making these appointments, the governor shall seek to maintain a balance reflecting all aspects of wildlife.

NEW SECTION. Sec. 7. A new section is added to chapter 77.04 RCW to read as follows:

(1) In addition to any other duties and responsibilities, the commission shall establish, and periodically review with the governor and the legislature, the department's basic goals and objectives to preserve, protect, and perpetuate wildlife and wildlife habitat: PROVIDED, That the commission shall not reduce the management emphasis placed on hunting and fishing recreational opportunities.

(2) By November 1, 1987, the department shall prepare and submit to the office of financial management the comprehensive and detailed departmental analyses and management plans specified in subsection (3) of this section. The governor shall submit a spending plan to the appropriate legislative committees by December 31, 1987.

(3) The comprehensive and detailed analyses and management plans shall include, but not be limited to:

(a) An analysis of each unique functional element, prioritized within each of the subprograms of the department, as to the element's purpose and role in the subprogram or agency mission, together with expenditures and staffing as of February 28, 1987, and a separate analysis, prioritized within the subprogram, of any revision in expenditure and staffing above the element's level as of February 28, 1987. However, any revision in expenditure or staffing will require specific justification, particularly as to fund source for the expenditure;

(b) An analysis of all hunting and fishing licenses and tags, stamps, or permits issued and the effect of increases or reductions of these fees;

(c) An analysis of the agency's management, organization, and productivity and a detailed plan for any revisions or improvements, if required;

(d) An analysis of the land management practices on department-owned and managed lands and a detailed plan for any improvements; and

(e) An analysis of the department's relationship with landowners, including wildlife damage to agricultural crops and a detailed plan for any improvements.

(4) The governor may also direct the use of personnel from the office of financial management and other state agencies to assist and participate as the governor deems necessary in any or all parts of the analyses or plans required in this section.

(5) The director of financial management shall inform the house of representatives and the senate bimonthly of the progress of the analyses and plans required in subsection (2) of this section.

(6) The analyses and plans, together with any supporting data, shall be made available to the natural resources and ways and means committees of the senate and house of representatives upon receipt by the office of financial management.

(7) The commission shall establish hunting, trapping, and fishing seasons and prescribe the time, place, manner, and methods that may be used to harvest or enjoy wildlife.

(8) The commission shall prepare and submit to the governor and appropriate legislative committees by October 1, 1988, an analysis of the state's wildlife and wildlife recreation needs, looking at innovative management methods and alternatives to increased agency revenues, and make recommendations as to how those needs could be addressed.

Sec. 8. Section 77.04.060, chapter 36, Laws of 1955 as last amended by section 110, chapter 287, Laws of 1984 and RCW 77.04.060 are each amended to read as follows:

The commission shall hold at least one regular meeting ~~((s within the first ten days of January, April, July, and October of each year))~~ during the first two months of each calendar quarter, and special meetings when called by the chairman or by four members. Four members constitute a quorum for the transaction of business.

The commission at a meeting in each odd-numbered year shall elect one of its members as chairman and another member as vice chairman, each of whom shall serve for a term of two years or until a successor is elected and qualified.

~~((When a vacancy in the office of the director has occurred, the commission shall elect a director by approval of four members. The director shall hold office at the pleasure of the commission.))~~

Members of the commission shall be compensated in accordance with RCW 43.03.250. In addition, members are allowed their travel expenses incurred while absent from their usual places of residence in accordance with RCW 43.03.050 and 43.03.060.

Sec. 9. Section 77.04.080, chapter 36, Laws of 1955 as amended by section 8, chapter 78, Laws of 1980 and RCW 77.04.080 are each amended to read as follows:

Persons eligible for appointment by the governor as director shall have practical knowledge of the habits and distribution of wildlife. When considering and selecting the director, the governor shall consult with and be advised by the commission on the qualifications, skills, and experience necessary to successfully discharge the duties of the position. The director shall receive the salary fixed by the governor under RCW 43.03.040.

The director is the ex officio secretary of the commission and shall attend its meetings and keep a record of its business.

The director may appoint and employ necessary departmental personnel. The director may delegate ~~((in writing.))~~ to department personnel the duties and powers necessary for efficient operation and administration of the department. The department shall provide staff for the commission.

NEW SECTION. Sec. 10. A new section is added to chapter 77.04 RCW to read as follows:

The director shall provide a comprehensive annual report of all departmental operations to the governor, appropriate legislative committees, and the public, on or before October 1 of each year, to reflect the previous fiscal year. The report shall include, but not be limited to, descriptions of all departmental activities, including: Revenues generated, program costs, capital expenditures, personnel, department projects and research including cooperative projects, environmental controls, intergovernmental agreements, outlines of ongoing litigation, concluded litigation, and any major issues with the potential for state liability. The report shall describe the status of the resource and its recreational and tribal utilization.

In addition to the above elements, the commission shall prepare and submit to the governor, the appropriate legislative committees, and the public its own report and analysis on the condition of recreational hunting and fishing opportunities and wildlife and wildlife resources in the state and on the progress of the department in meeting goals and objectives set by the commission. The commission shall solicit public input in the preparation of this annual analysis.

Sec. 11. 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))~~ adopted pursuant to this title, unless the context clearly requires otherwise:

- (1) "Director" means the director of ~~((game))~~ wildlife.
- (2) "Department" means the department of ~~((game))~~ wildlife.
- (3) "Commission" means the state ~~((game))~~ wildlife 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.))~~ and rules ~~((of the commission))~~ adopted pursuant to this title, 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))~~ places 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))~~ places 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 is prohibited.

(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 is prohibited.

(14) "Game reserve" means a closed area where ~~((the commission has prohibited by rule))~~ hunting for all wild animals and wild birds is prohibited.

(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) "Fur-bearing animals" means game animals that shall not be trapped except as authorized by ~~((rule of))~~ the commission.

(23) "Game birds" means wild birds that shall not be hunted except as authorized by ~~((rule of))~~ the commission.

(24) "Predatory birds" means wild birds that may be hunted throughout the year as authorized by ~~((rule of))~~ the commission.

(25) "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) "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. 12, Section 2, chapter 243, Laws of 1985 and RCW 77.08.045 are each amended to read as follows:

As used in this title or rules ~~((of the commission))~~ adopted pursuant to this title:

(1) "Migratory waterfowl" means members of the family Anatidae, including brants, ducks, geese, and swans;

(2) "Migratory waterfowl stamp" means the stamp that is required by RCW 77.32.350 to be in the possession of persons over sixteen years of age to hunt migratory waterfowl;

(3) "Prints and artwork" means replicas of the original stamp design that are sold to the general public. Prints and artwork are not to be construed to be the migratory waterfowl stamp that is required by RCW 77.32.350. Artwork may be any facsimile of the original stamp design, including color renditions, metal duplications, or any other kind of design; and

(4) "Migratory waterfowl art committee" means the committee created by RCW 77.12.680. The committee's primary function is to select the annual migratory waterfowl stamp design.

Sec. 13, 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))~~ director 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) ~~((#))~~ The ((commission determines)) director may recommend to the commission that a species of wildlife should not be hunted or fished((;)). The commission may designate ~~((#-protected))~~ species of wildlife ((by-rule)) as protected.

(6) If the ~~((commission))~~ director determines that a species of wildlife is seriously threatened with extinction in the state of Washington, the director may request its designation as an endangered species. The commission may designate ~~((#))~~ an endangered species ((by-rule)).

(7) If the ~~((commission))~~ director determines that a species of the animal kingdom, not native to Washington, is dangerous to the environment or wildlife of the state, the director may request its designation as deleterious exotic wildlife. The commission may designate ~~((#))~~ deleterious exotic wildlife ((by-rule)).

Sec. 14. Section 77.12.030, chapter 36, Laws of 1955 as last amended by section 2, chapter 240, Laws of 1984 and RCW 77.12.030 are each amended to read as follows:

The ~~((commission))~~ director may regulate the ((taking, possession,)) collection, ((distribution,)) importation, and transportation((-and sale)) of wildlife ((and deleterious exotic wildlife species)).

Sec. 15. Section 77.12.040, chapter 36, Laws of 1955 as last amended by section 3, chapter 240, Laws of 1984 and RCW 77.12.040 are each amended to read as follows:

The commission shall adopt, amend, or repeal, and enforce reasonable rules prohibiting or governing the time, place, and manner of taking or possessing game animals, game birds, or game fish. The commission may specify the quantities, species, sex, and size of game animals, game birds, or game fish that may be taken or possessed. The commission shall regulate the taking, sale, possession, and distribution of wildlife and deleterious exotic wildlife. The director may adopt emergency rules under RCW 77.12.150.

The commission may establish by rule game reserves and closed areas where hunting for wild animals or wild birds may be prohibited and closed waters where fishing for game fish may be prohibited.

Sec. 16. Section 17, chapter 78, Laws of 1980 as amended by section 2, chapter 155, Laws of 1985 and RCW 77.12.055 are each amended to read as follows:

(1) Jurisdiction and authority granted under RCW 77.12.060, 77.12.070, and 77.12.080 to the director, wildlife agents, and ex officio wildlife agents is limited to the laws and rules ~~((of the commission))~~ adopted pursuant to this title pertaining to wildlife or to the management, operation, maintenance, or use of or conduct on real property used, owned, leased, or controlled by the department and other statutes as prescribed by the legislature. However, when acting within the scope of these duties and when an offense occurs in the presence of the wildlife agent who is not an ex officio wildlife agent, the wildlife agent may enforce all criminal laws of the state. The wildlife agent must have successfully completed the basic law enforcement academy course sponsored by the criminal justice training commission, or a supplemental course in criminal law enforcement as approved by the department and the criminal justice training commission and provided by the department or the criminal justice training commission, prior to enforcing the criminal laws of the state.

(2) Wildlife agents are peace officers.

(3) Any liability or claim of liability which arises out of the exercise or alleged exercise of authority by a wildlife agent rests with the department ~~((of game))~~ unless the wildlife agent acts under the direction and control of another agency or unless the liability is otherwise assumed under a written agreement between the department of game and another agency.

(4) Wildlife agents may serve and execute warrants and processes issued by the courts.

Sec. 17. Section 77.12.060, chapter 36, Laws of 1955 as last amended by section 18, chapter 78, Laws of 1980 and RCW 77.12.060 are each amended to read as follows:

The director, wildlife agents, and ex officio wildlife agents may serve and execute warrants and process issued by the courts to enforce the law and rules ~~((of the commission))~~ adopted pursuant to this title.

To enforce these laws or rules, they may call to their aid any ex officio wildlife agent or citizen and that person shall render aid.

Sec. 18. Section 77.12.070, chapter 36, Laws of 1955 as last amended by section 19, chapter 78, Laws of 1980 and RCW 77.12.070 are each amended to read as follows:

Wildlife agents and ex officio wildlife agents within their respective jurisdictions shall enforce the law and rules ~~((of the commission))~~ adopted pursuant to this title.

Sec. 19. Section 77.12.080, chapter 36, Laws of 1955 as last amended by section 20, chapter 78, Laws of 1980 and RCW 77.12.080 are each amended to read as follows:

Wildlife agents and ex officio wildlife agents may arrest without warrant persons found violating the law or rules ~~((of the commission))~~ adopted pursuant to this title.



Sec. 20. Section 77.12.090, chapter 36, Laws of 1955 as amended by section 21, chapter 78, Laws of 1980 and RCW 77.12.090 are each amended to read as follows:

Wildlife agents, and ex officio wildlife agents may make a reasonable search without warrant of conveyances, vehicles, packages, game baskets, game coats, or other receptacles for wildlife, or tents, camps, or similar places which they have reason to believe contain evidence of a violation of law or rules ~~((of the commission))~~ adopted pursuant to this title.

Sec. 21. Section 77.12.100, chapter 36, Laws of 1955 as amended by section 23, chapter 78, Laws of 1980 and RCW 77.12.100 are each amended to read as follows:

Wildlife agents and ex officio wildlife agents may seize without warrant wildlife believed to have been unlawfully taken, killed, transported, or possessed, and articles or devices believed to have been unlawfully used or held with intent to unlawfully use in hunting or fishing. "Articles or devices," as used in this title or rules ~~((of the commission))~~ adopted pursuant to this title, means things used to hunt, fish for, possess, or transport wildlife and includes boats, other vehicles, and fishing and hunting equipment.

Sec. 22. Section 77.16.030, chapter 36, Laws of 1955 as last amended by section 71, chapter 78, Laws of 1980 and RCW 77.12.105 are each amended to read as follows:

Except as otherwise provided in this title, a person who has lawfully acquired possession of wildlife and who desires to retain or transfer it may do so in accordance with the rules ~~((of the commission))~~ adopted pursuant to this title.

Sec. 23. Section 77.12.140, chapter 36, Laws of 1955 as amended by section 28, chapter 78, Laws of 1980 and RCW 77.12.140 are each amended to read as follows:

The ~~((commission))~~ director, acting in a manner not inconsistent with criteria established by the commission, may obtain by purchase, gift, or exchange and may sell or transfer wildlife and their eggs for stocking, research, or propagation.

Sec. 24. Section 77.12.150, chapter 36, Laws of 1955 as last amended by section 4, chapter 240, Laws of 1984 and RCW 77.12.150 are each amended to read as follows:

By emergency rule only, and in accordance with ~~((rules of))~~ criteria established by the commission, the director may close or shorten a season for game animals, game birds, or game fish, and after a season has been closed or shortened, may reopen it and reestablish bag limits on game animals, game birds, or game fish during that season. The director shall advise the commission of the adoption of emergency rules. A copy of an emergency rule, certified as a true copy by the director or by a person authorized in writing by the director to make the certification, is admissible in court as prima facie evidence of the adoption and validity of the rule.

If the director finds that game animals have increased in numbers in an area of the state so that they are damaging public or private property or over-utilizing their habitat, the commission may establish ~~((by rule))~~ a special hunting season and designate the time, area, and manner of taking and the number and sex of the animals that may be killed or possessed by a licensed hunter. The director shall determine by random selection the identity of hunters who may hunt within the area and shall determine the conditions and requirements of the selection process. The ~~((commission))~~ director shall include notice of the special season in the rules establishing open seasons.

Sec. 25. Section 334, chapter 258, Laws of 1984 and RCW 77.12.170 are each amended to read as follows:

(1) There is established in the state treasury the state ~~((game))~~ wildlife fund which consists of moneys received from:

- (a) Rentals or concessions of the department;
- (b) The sale of real or personal property held for department purposes;
- (c) The sale of licenses, permits, tags, stamps, and punchcards required by this title;
- (d) Fees for informational materials published by the department;
- (e) Fees for personalized vehicle license plates as provided in chapter 46.16 RCW;
- (f) Articles or wildlife sold by the ~~((commission))~~ director under this title;
- (g) Compensation for wildlife losses or gifts or grants received under RCW 77.12.320; and
- (h) Excise tax on anadromous game fish collected under chapter 82.27 RCW.

(2) State and county officers receiving any moneys listed in subsection (1) of this section shall deposit them in the state treasury to be credited to the state ~~((game))~~ wildlife fund.

Sec. 26. Section 2, chapter 56, Laws of 1979 as amended by section 66, chapter 78, Laws of 1980 and RCW 77.12.185 are each amended to read as follows:

The director may collect moneys to recover the reasonable costs of publication of informational materials by the department and shall deposit them in the state treasury to be credited to the state ~~((game))~~ wildlife fund.

Sec. 27. Section 77.12.190, chapter 36, Laws of 1955 as amended by section 34, chapter 78, Laws of 1980 and RCW 77.12.190 are each amended to read as follows:

Moneys in the state ~~((game))~~ wildlife fund may be used only for the purposes of this title.

Sec. 28. Section 77.12.200, chapter 36, Laws of 1955 as last amended by section 35, chapter 78, Laws of 1980 and RCW 77.12.200 are each amended to read as follows:

The commission may authorize the director to acquire by gift, purchase, lease, or condemnation lands, buildings, waters, or other necessary property for purposes consistent with

this title, together with rights of way for access to the property so acquired. Except to clear title and acquire access rights of way, the power of condemnation may be exercised by the ~~((commission))~~ director only when an appropriation has been made by the legislature for the acquisition of a specific property.

Sec. 29. Section 2, chapter 97, Laws of 1965 ex. sess. as last amended by section 1, chapter 214, Laws of 1984 and by section 335, chapter 258, Laws of 1984 and RCW 77.12.201 are each reenacted and amended to read as follows:

The legislative authority of a county may elect, by giving written notice to the director and the treasurer prior to January 1st of any year, to obtain for the following year an amount in lieu of real property taxes on game lands as provided in RCW 77.12.203. Upon the election, the county shall keep a record of all fines, forfeitures, reimbursements, and costs assessed and collected, in whole or in part, under this title for violations of law or rules ~~((of the commission))~~ adopted pursuant to this title and shall monthly remit an amount equal to the amount collected to the state treasurer for deposit in the public safety and education account established under RCW 43.08.250. The election shall continue until the department is notified differently prior to January 1st of any year.

Sec. 30. Section 77.12.210, chapter 36, Laws of 1955 as last amended by section 38, chapter 78, Laws of 1980 and RCW 77.12.210 are each amended to read as follows:

The ~~((commission))~~ director shall maintain and manage real or personal property owned, leased, or held by the department and shall control the construction of buildings, structures, and improvements in or on the property. The ~~((commission))~~ director may adopt rules for the operation~~((;))~~ and maintenance~~((; and use of and conduct on))~~ of the property.

The commission may authorize the director to sell timber, gravel, sand, and other materials or products from real property held by the department~~((The commission))~~ and may authorize the director to sell or lease the ~~((departments'))~~ department's real or personal property or grant concessions or rights of way for roads or utilities in the property. 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 chapter 79.14 RCW 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.

If the commission determines that real or personal property held by the department cannot be used advantageously by the department, the ~~((commission))~~ director may dispose of that property if it is in the public interest.

If the state acquired real property with use limited to specific purposes, the director may negotiate terms for the return of the property to the donor or grantor. Other real property shall be sold to the highest bidder at public auction. After appraisal, notice of the auction shall be published at least once a week for two successive weeks in a newspaper of general circulation within the county where the property is located at least twenty days prior to sale.

Proceeds from the sales shall be deposited in the ~~((state treasury to be credited to the))~~ state ~~((game))~~ wildlife fund.

Sec. 31. Section 77.12.220, chapter 36, Laws of 1955 as amended by section 39, chapter 78, Laws of 1980 and RCW 77.12.220 are each amended to read as follows:

For purposes of this title, the commission may make agreements to obtain real or personal property or to transfer or convey property held by the state to the United States or its agencies or instrumentalities, political subdivisions of this state, public service companies, or other persons, if in the judgment of the commission and the attorney general the transfer and conveyance is consistent with public interest.

If the commission agrees to a transfer or conveyance under this section or to a sale or return of real property under RCW 77.12.210, ~~((H))~~ the director shall certify, with the attorney general, to the governor that the agreement has been made. The certification shall describe the real property. The governor then may execute and the secretary of state attest and deliver to the appropriate entity or person the instrument necessary to fulfill the agreement.

Sec. 32. Section 77.12.230, chapter 36, Laws of 1955 as amended by section 40, chapter 78, Laws of 1980 and RCW 77.12.230 are each amended to read as follows:

The director may pay lawful local improvement district assessments for projects that may benefit wildlife or wildlife-oriented recreation made against lands held by the state for department purposes. The payments may be made from money appropriated from the state ~~((game))~~ wildlife fund to the department.

Sec. 33. Section 77.12.240, chapter 36, Laws of 1955 as amended by section 41, chapter 78, Laws of 1980 and RCW 77.12.240 are each amended to read as follows:

The director may authorize the removal or killing of wildlife that is destroying or injuring property, or when it is necessary for wildlife management or research.

The director or other employees of the department shall dispose of wildlife taken or possessed by them under this title in the manner determined by the director to be in the best interest of the state. Skins or furs shall be sold at public auction at a time and location determined by the director. Proceeds from the sales shall be deposited in the state treasury to be credited to the state ~~((game))~~ wildlife fund.

Sec. 34. Section 77.12.260, chapter 36, Laws of 1955 as amended by section 43, chapter 78, Laws of 1980 and RCW 77.12.260 are each amended to read as follows:

The ((commission)) director may make written agreements to prevent damage to private property by wildlife. The department may furnish money, material, or labor under these agreements.

Sec. 35. Section 77.16.230, chapter 36, Laws of 1955 as last amended by section 1, chapter 355, Laws of 1985 and RCW 77.12.265 are each amended to read as follows:

The owner or tenant of real property may trap or kill on that property wild animals or wild birds, other than an endangered species, that is damaging crops, domestic animals, fowl, or other property. Except in emergency situations, deer, elk, and protected wildlife shall not be killed without a permit issued and conditioned by the director. The director may delegate this authority.

For the purposes of this section, "emergency" means an unforeseen circumstance beyond the control of the landowner or tenant that presents a real and immediate threat to crops, domestic animals, fowl, or other property.

Alternatively, when sufficient time for the issuance of a permit by the director is not available, verbal permission may be given by the appropriate ((game)) department regional administrator to owners or tenants of real property to trap or kill on that property any deer, elk, or protected wildlife which is damaging crops, domestic animals, fowl, or other property. The regional administrator may delegate, in writing, a member of the regional staff to give the required permission in these emergency situations. Nothing in this section authorizes in any situation the trapping, hunting, or killing of an endangered species.

Wildlife trapped or killed under this section remains the property of the state, and the person trapping or killing the wildlife shall notify the department immediately. The ((commission)) director shall dispose of wildlife so taken within three working days of receiving such a notification.

If the department receives recurring complaints regarding property being damaged as described in this section from the owner or tenant of real property, or receives such complaints from several such owners or tenants in a locale, the commission shall consider conducting a special hunt or special hunts to reduce the potential for such damage.

For purposes of this section, "crop" means an agricultural or horticultural product growing or harvested and includes wild shrubs and range land vegetation on privately owned cattle ranching lands. On such lands, the land owner or lessee may declare an emergency when the department ((of game)) has not responded within forty-eight hours after having been contacted by the land owner or lessee regarding crop damage by wild animals or wild birds. However, the department shall not allow claims for damage to wild shrubs or range land vegetation on such lands.

Deer and elk shall not be killed under the authority of this section on privately owned cattle ranching lands that were closed to public hunting during the previous hunting season, except for land closures which are coordinated with the department to protect property and livestock.

The department shall work closely with landowners and tenants suffering game damage problems to control damage without killing the animals when practical, to increase the harvest of damage-causing animals in hunting seasons, or to kill the animals when no other practical means of damage control is feasible.

Sec. 36. Section 77.12.270, chapter 36, Laws of 1955 as last amended by section 11, chapter 126, Laws of 1986 and RCW 77.12.270 are each amended to read as follows:

The ((commission)) director may compromise, adjust, settle, and pay claims for damages caused by deer or elk in accordance with RCW 77.12.280 through 77.12.300. Payments for claims shall not exceed two thousand dollars. The payment of a claim by the ((commission)) director constitutes full and final payment for the claim. The director shall advise the commission quarterly of all damage claims paid.

Sec. 37. Section 77.12.280, chapter 36, Laws of 1955 as last amended by section 12, chapter 126, Laws of 1986 and RCW 77.12.280 are each amended to read as follows:

(1) Claims under RCW 77.12.270 may be filed under RCW 4.92.040(5) if within one year of filing with the ((commission)) director the claim is not settled and paid. The risk management office shall recommend to the legislature whether the claim should be approved. If the legislature approves the claim, the department shall pay it from moneys appropriated for that purpose.

(2) If a claim for damages under RCW 77.12.270 has been refused or has not been settled and paid by the ((commission)) director within one hundred twenty days of the filing of the claim, either the claimant or the ((commission)) director may serve upon the other personally or by registered mail a notice of intent to arbitrate. The notice shall contain the name of an arbitrator. Within ten days of receiving the notice, the person served shall serve the name of an arbitrator personally or by registered mail upon the other party. The two arbitrators, within seven days of the naming of the second arbitrator, shall select a third arbitrator who shall not be an employee of the department or member of the commission. If the two arbitrators cannot agree upon a third arbitrator, either party may petition the superior court in the county in

which the claim arose to select the third arbitrator. Upon receiving the petition, the court shall appoint a third arbitrator. Filing fees or court costs arising from the petition shall be shared equally by the claimant and the department.

(3) The award of the arbitrators is advisory only and shall be filed with the department within ninety days following the naming of the third arbitrator. Payment shall not be made by the ((commission)) director until the arbitrators have made their advisory award.

Sec. 38. Section 77.12.290, chapter 36, Laws of 1955 as last amended by section 47, chapter 78, Laws of 1980 and RCW 77.12.290 are each amended to read as follows:

Claims for damages under RCW 77.12.270 shall be filed in writing with the ((commission)) department in its office within ninety days following the discovery of the claimed damage. Failure to file the claim within the ninety-day period shall bar payment of damages. Payments shall not be made for damages occurring on lands leased by the claimant from a public agency.

Sec. 39. Section 77.12.300, chapter 36, Laws of 1955 as last amended by section 48, chapter 78, Laws of 1980 and RCW 77.12.300 are each amended to read as follows:

The ((commission)) director may adopt rules requiring and prescribing the form of affidavits to be furnished in proof of claims and specifying the time for examining and appraising the damages. The ((commission)) director may refuse to consider and pay claims of persons who have posted the property on which the claimed damages occurred against hunting during the season prior to the occurrence of the damages.

Sec. 40. Section 1, chapter 183, Laws of 1971 ex. sess. as amended by section 49, chapter 78, Laws of 1980 and RCW 77.12.315 are each amended to read as follows:

If the director determines that a severe problem exists in an area of the state because deer and elk are being pursued, harassed, attacked or killed by dogs, the ((commission)) director may declare by emergency rule that an emergency exists and specify the area where it is lawful for wildlife agents to take into custody or destroy the dogs if necessary. Wildlife agents who take into custody or destroy a dog pursuant to this section are immune from civil or criminal liability arising from their actions.

Sec. 41. Section 77.12.320, chapter 36, Laws of 1955 as last amended by section 50, chapter 78, Laws of 1980 and RCW 77.12.320 are each amended to read as follows:

(1) The commission may make agreements with persons, political subdivisions of this state, or the United States or its agencies or instrumentalities, regarding wildlife-oriented recreation and the propagation, protection, conservation, and control of wildlife.

(2) The ((commission)) director may make written agreements with the owners or lessees of real or personal property to provide for the use of the property for wildlife-oriented recreation. The ((commission)) director may adopt rules governing the conduct of persons in or on the real property.

(3) The ((commission)) director may accept compensation for wildlife losses or gifts or grants of personal property for use by the department.

Sec. 42. Section 15, chapter 10, Laws of 1982 and RCW 77.12.323 are each amended to read as follows:

(1) There is established in the state ((game)) wildlife fund a special wildlife account. Monies received under RCW 77.12.320 as now or hereafter amended as compensation for wildlife losses shall be deposited in the state treasury to be credited to the special wildlife account.

(2) The ((commission)) director may advise the state treasurer and the state investment board of a surplus in the special wildlife account above the current needs. The state investment board may invest and reinvest the surplus, as the commission deems appropriate, in an investment authorized by RCW 43.84.150 or in securities issued by the United States government as defined by RCW 43.84.080 (1) and (4). Income received from the investments shall be deposited to the credit of the special wildlife account.

Sec. 43. Section 77.12.370, chapter 36, Laws of 1955 as amended by section 55, chapter 78, Laws of 1980 and RCW 77.12.370 are each amended to read as follows:

Prior to the forwarding of a request needing endorsement under RCW 77.12.360, the ((commission)) director shall present the request to the legislative authority of the county in which the lands are located for its approval. The legislative authority, before acting on the request, may call a public hearing. The hearing shall take place within thirty days after presentation of the request to the legislative authority.

The ((commission)) director shall publish notice of the public hearing called by the legislative authority in a newspaper of general circulation within the county at least once a week for two successive weeks prior to the hearing. The notice shall contain a copy of the request and the time and place of the hearing.

The chairman of the county legislative authority shall preside at the public hearing. The proceedings shall be informal and all persons shall have a reasonable opportunity to be heard.

Within ten days after the hearing, the county legislative authority shall endorse its decision on the request for withdrawal. The decision is final and not subject to appeal.

Sec. 44. Section 77.12.380, chapter 36, Laws of 1955 as amended by section 56, chapter 78, Laws of 1980 and RCW 77.12.380 are each amended to read as follows:

Upon receipt of a request under RCW 77.12.360, the commissioner of public lands shall determine if the withdrawal would benefit the people of the state. If the withdrawal would be beneficial, the commissioner shall have the lands appraised for their lease value. Before withdrawal, the department shall transmit to the commissioner a voucher authorizing payment from the state ~~((game))~~ wildlife fund in favor of the fund for which the lands are held. The payment shall equal the amount of the lease value for the duration of the withdrawal.

Sec. 45. Section 77.12.390, chapter 36, Laws of 1955 as last amended by section 57, chapter 78, Laws of 1980 and RCW 77.12.390 are each amended to read as follows:

Upon receipt of a voucher under RCW 77.12.380, the commissioner of public lands shall withdraw the lands from lease. The commissioner shall forward the voucher to the state treasurer, who shall draw a warrant against the state ~~((game))~~ wildlife fund in favor of the fund for which the withdrawn lands are held.

Sec. 46. Section 77.12.420, chapter 36, Laws of 1955 as amended by section 59, chapter 78, Laws of 1980 and RCW 77.12.420 are each amended to read as follows:

The ~~((commission))~~ director may spend moneys to improve natural growing conditions for fish by constructing fishways, installing screens, and removing obstructions to migratory fish ~~((and eradicating))~~. The eradication of undesirable fish((:)) shall be authorized by the commission. The director may enter into cooperative agreements with state, county, municipal, and federal agencies, and with private individuals for these purposes.

Sec. 47. Section 77.12.440, chapter 36, Laws of 1955 as last amended by section 2, chapter 26, Laws of 1982 and RCW 77.12.440 are each amended to read as follows:

The state assents to the act of congress entitled: "An Act to provide that the United States shall aid the states in fish restoration and management projects, and for other purposes," (64 Stat. 430; 16 U.S.C. Sec. 777). The department of ~~((game))~~ wildlife and the department of fisheries shall establish, conduct, and maintain fish restoration and management projects, as defined in the act, and shall comply with the act and related rules adopted by the secretary of the interior.

Sec. 48. Section 67, chapter 78, Laws of 1980 and RCW 77.12.530 are each amended to read as follows:

The ~~((commission))~~ director shall ~~((adopt))~~ administer rules adopted by the commission governing the time, place, and manner of holding hunting and fishing contests and competitive field trials involving live wildlife for hunting dogs. The ~~((commission))~~ department shall prohibit contests and field trials that are not in the best interests of wildlife.

Sec. 49. Section 77.28.020, chapter 36, Laws of 1955 as last amended by section 22, chapter 457, Laws of 1985 and RCW 77.12.570 are each amended to read as follows:

The commission shall ~~((adopt rules specifying))~~ establish the ~~((procedures:))~~ qualifications ~~((:))~~ and conditions for issuing a game farm license ~~((and))~~. The director shall adopt rules governing the operation of game farms. Private sector cultured aquatic products as defined in RCW 15.85.020 are exempt from regulation under this section.

Sec. 50. Section 77.28.070, chapter 36, Laws of 1955 as amended by section 99, chapter 78, Laws of 1980 and RCW 77.12.580 are each amended to read as follows:

A licensed game farmer may purchase, sell, give away, or dispose of the eggs of game birds or game fish lawfully possessed as provided by rule of the ~~((commission))~~ director.

Sec. 51. Section 77.28.080, chapter 36, Laws of 1955 as last amended by section 23, chapter 457, Laws of 1985 and RCW 77.12.590 are each amended to read as follows:

Wildlife given away, sold, or transferred by a licensed game farmer shall have attached to each wildlife member, package, or container, a tag, seal, or invoice as required by rule of the ~~((commission))~~ director. Private sector cultured aquatic products as defined in RCW 15.85.020 are exempt from regulation under this section.

Sec. 52. Section 2, chapter 239, Laws of 1984 and RCW 77.12.650 are each amended to read as follows:

The department ~~((of game))~~ shall cooperate with other local, state, and federal agencies and governments to protect bald eagles and their essential habitats through existing governmental programs, including but not limited to:

(1) The natural heritage program managed by the department of natural resources under chapter 79.70 RCW;

(2) The natural area preserve program managed by the department of natural resources under chapter 79.70 RCW;

(3) The shoreline management master programs adopted by local governments and approved by the department of ecology under chapter 90.58 RCW.

Sec. 53. Section 4, chapter 243, Laws of 1985 and RCW 77.12.670 are each amended to read as follows:

The migratory waterfowl stamp to be produced by the department shall use the design as provided by the migratory waterfowl art committee.

All revenue derived from the sale of the stamps by the department shall be deposited in the state ~~((game))~~ wildlife fund and shall be used only for the cost of printing and production of the stamp and for those migratory waterfowl projects specified by the director of the department for the acquisition and development of migratory waterfowl habitat in the state and for

the enhancement, protection, and propagation of migratory waterfowl in the state. Acquisition shall include but not be limited to the acceptance of gifts of real estate or any interest therein or the rental, lease, or purchase of real estate or any interest therein. If the department acquires any fee interest, leasehold, or rental interest in real property under this section, it shall allow the general public reasonable access to that property and shall, if appropriate, insure that the deed or other instrument creating the interest allows such access to the general public. If the department obtains a covenant in real property in its favor or an easement or any other interest in real property under this section, it shall exercise its best efforts to insure that the deed or other instrument creating the interest grants to the general public in the form of a covenant running with the land reasonable access to the property. The private landowner from whom the department obtains such a covenant or easement shall retain the right of granting access to the lands by written permission.

The department may produce migratory waterfowl stamps in any given year in excess of those necessary for sale in that year. The excess stamps may be sold to the migratory waterfowl art committee for sale to the public.

Sec. 54. Section 5, chapter 243, Laws of 1985 and RCW 77.12.680 are each amended to read as follows:

(1) There is created the migratory waterfowl art committee which shall be composed of nine members.

(2)(a) The committee shall consist of one member appointed by the governor, six members appointed by the director ((of game)), one member appointed by the chairman of the state arts commission, and one member appointed by the director of the department of agriculture.

(b) The member appointed by the director of the department of agriculture shall represent state-wide farming interests.

(c) The member appointed by the chairman of the state arts commission shall be knowledgeable in the area of fine art reproduction.

(d) The members appointed by the governor and the director ((of game)) shall be knowledgeable about waterfowl and waterfowl management. The six members appointed by the director ((of game)) shall represent, respectively:

(i) An eastern Washington sports group;

(ii) A western Washington sports group;

(iii) A group with a major interest in the conservation and propagation of migratory waterfowl;

(iv) A state-wide conservation organization;

(v) A state-wide sports hunting group; and

(vi) The general public.

The members of the committee shall serve three-year staggered terms and at the expiration of their term shall serve until qualified successors are appointed. Of the nine members, three shall serve initial terms of four years, three shall serve initial terms of three years, and three shall serve initial terms of two years. The appointees of the governor, the chairman of the state arts commission, and the director of agriculture shall serve the initial terms of four years. Vacancies shall be filled for unexpired terms consistent with this section. A chairman shall be elected annually by the committee. The committee shall review the director's ((of game's)) expenditures of the previous year of both the stamp money and the prints and related artwork money. Members of the committee shall serve without compensation.

Sec. 55. Section 6, chapter 243, Laws of 1985 and RCW 77.12.690 are each amended to read as follows:

The migratory waterfowl art committee is responsible for the selection of the annual migratory waterfowl stamp design and shall provide the design to the department. If the committee does not perform this duty within the time frame necessary to achieve proper and timely distribution of the stamps to license dealers, the director shall initiate the art work selection for that year. The committee shall create collector art prints and related artwork, utilizing the same design as provided to the department. The administration, sale, distribution, and other matters relating to the prints and sales of stamps with prints and related artwork shall be the responsibility of the migratory waterfowl art committee.

The total amount brought in from the sale of prints and related artwork shall be deposited in the state ((game)) wildlife fund. The costs of producing and marketing of prints and related artwork, including administrative expenses mutually agreed upon by the committee and the director, shall be paid out of the total amount brought in from sales of those same items. Net funds derived from the sale of prints and related artwork shall be used by the director ((of game)) to contract with one or more appropriate individuals or nonprofit organizations for the development of waterfowl propagation projects within Washington which specifically provide waterfowl for the Pacific flyway. The department shall not contract with any individual or organization that obtains compensation for allowing waterfowl hunting except if the individual or organization does not permit hunting for compensation on the subject property.

The migratory waterfowl art committee shall have an annual audit of its finances conducted by the state auditor and shall furnish a copy of the audit to the ((game)) commission and to the natural resources committees of the house and senate.

NEW SECTION. Sec. 56. A new section is added to chapter 77.12 RCW to read as follows:

(1) The commission in consultation with the director may authorize hunting of post-mature male trophy-quality animals from herds in areas not normally open to general public hunting. The director shall establish procedures for the hunt, which shall be called the Washington trophy hunt. The procedures may provide for an organization to contract with the department to sponsor the hunt. The procedures shall require that any permits or tags required for the hunt be sold at auction to raise funds for the department and the organization for wildlife conservation purposes. Representatives of the department may participate in the hunt upon the request of the commission to insure that the animals to be killed are properly identified.

(2) A wildlife conservation organization may request the commission to authorize a special hunt for post-mature trophy-quality male animals upon petition.

(3) In addition to any permit fee established under subsection (1) of this section, participants in the hunt shall obtain any required license, permit, or tag.

NEW SECTION. Sec. 57. A new section is added to chapter 77.12 RCW to read as follows:

The director shall employ a minimum of eighty-five field wildlife enforcement agents throughout the state to ensure full enforcement coverage in each county of the state.

Sec. 58. Section 77.16.010, chapter 36, Laws of 1955 as amended by section 69, chapter 78, Laws of 1980 and RCW 77.16.010 are each amended to read as follows:

It is unlawful to promote, conduct, hold, or sponsor a contest for the hunting or fishing of wildlife or a competitive field trial involving live wildlife for hunting dogs without first obtaining a hunting or fishing contest permit. Contests and field trials shall be held in accordance with established rules ~~((of the commission))~~.

Sec. 59. Section 77.16.020, chapter 36, Laws of 1955 as last amended by section 196, chapter 3, Laws of 1983 and RCW 77.16.020 are each amended to read as follows:

(1) It is unlawful to hunt, fish, possess, or control a species of game bird, game animal, or game fish during the closed season for that species except as provided in RCW 77.12.105.

(2) It is unlawful to kill, take, catch, possess, or control these species in excess of the number fixed as the bag limit for each species.

(3) It is unlawful to hunt within a game reserve or to fish for game fish within closed waters.

(4) It is unlawful to hunt wild birds or wild animals within a closed area except as authorized by rule of the commission.

(5) It is unlawful to hunt or fish for wildlife, practice taxidermy for profit, deal in raw furs for profit, act as a fishing guide, or operate a game farm, stock game fish, or collect wildlife for research or display, without having in possession the license, permit, tag, stamp, or punchcard required by chapter 77.32 RCW or rule of the ~~((commission))~~ department. The activities described in this subsection shall be conducted in accordance with rules ~~((of the commission))~~ adopted pursuant to this title.

Sec. 60. 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. 61. Section 77.16.060, chapter 36, Laws of 1955 as amended by section 74, chapter 78, Laws of 1980 and RCW 77.16.060 are each amended to read as follows:

It is unlawful to lay, set, or use a net or other device capable of taking game fish in the waters of this state except as authorized by ~~((rule of))~~ the commission or director of fisheries. Game fish taken incidental to a lawful season established by the director of fisheries shall be returned immediately to the water.

A landing net may be used to land fish otherwise legally hooked.

Sec. 62. Section 77.16.080, chapter 36, Laws of 1955 as amended by section 76, chapter 78, Laws of 1980 and RCW 77.16.080 are each amended to read as follows:

It is unlawful to lay, set, or use a drug, explosive, poison, or other deleterious substance that may endanger, injure, or kill wildlife except as authorized by law or rules ~~((of the commission))~~ adopted pursuant to this title.

Sec. 63. Section 78, chapter 78, Laws of 1980 and RCW 77.16.095 are each amended to read as follows:

It is unlawful to mutilate wildlife so that the size, species, or sex cannot be determined visually in the field or while being transported. The ~~((commission))~~ director may prescribe specific criteria for field identification to satisfy this section.

Sec. 64. Section 77.16.110, chapter 36, Laws of 1955 as amended by section 80, chapter 78, Laws of 1980 and RCW 77.16.110 are each amended to read as follows:

It is unlawful to carry firearms, other hunting weapons, or traps or to allow directly or negligently a dog upon a game reserve, except on public highways or as authorized by rule of the ~~((commission))~~ director.

Sec. 65. Section 77.16.130, chapter 36, Laws of 1955 as amended by section 82, chapter 78, Laws of 1980 and RCW 77.16.130 are each amended to read as follows:

It is unlawful to resist or obstruct wildlife agents or ex officio wildlife agents in the discharge of their duties while enforcing the law or rules ~~((of the commission))~~ adopted pursuant to this title.

Sec. 66. Section 77.16.150, chapter 36, Laws of 1955 as amended by section 83, chapter 78, Laws of 1980 and RCW 77.16.150 are each amended to read as follows:

Except as authorized by ~~((rule of))~~ the ~~((commission))~~ director, consistent with criteria established by the commission, it is unlawful to release wildlife or to plant aquatic plants or their seeds within the state.

Sec. 67. Section 77.16.180, chapter 36, Laws of 1955 as amended by section 86, chapter 78, Laws of 1980 and RCW 77.16.180 are each amended to read as follows:

It is unlawful to remove, possess, or damage printed matter or signs placed by authority of the ~~((commission))~~ director.

Sec. 68. Section 1, chapter 44, Laws of 1980 as amended by section 5, chapter 310, Laws of 1981 and RCW 77.16.320 are each amended to read as follows:

Except as authorized by law or rules ~~((of the commission))~~ adopted pursuant to this title, it is unlawful to hunt, offer for sale, sell~~((+))~~, possess, exchange, buy, transport, or ship an albino wild animal.

Sec. 69. 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 ~~((or))~~ rules ~~((of the commission))~~ adopted pursuant to this title 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))~~ adopted pursuant to this title and may impose the punishment provided for these offenses. Superior courts have jurisdiction over felonies committed in violation of this title.

Sec. 70. Section 1, chapter 6, Laws of 1975 1st ex. sess. as amended by section 124, chapter 78, Laws of 1980 and RCW 77.21.020 are each amended to read as follows:

In addition to other penalties provided by law, the director shall revoke the hunting license of a person who is convicted of a violation of RCW 77.16.020 involving big game or RCW 77.16.050. Forfeiture of bail twice during a five-year period for these violations constitutes the basis for a revocation under this section.

A hunting license shall not be issued to the person for two years from the revocation ~~((unless the commission authorizes the issuance)).~~

A person who has had a license revoked or has been denied issuance pursuant to this section or RCW 77.21.030, may appeal the decision as provided in chapter 34.04 RCW.

Sec. 71. Section 77.32.280, chapter 36, Laws of 1955 as amended by section 123, chapter 78, Laws of 1980 and RCW 77.21.030 are each amended to read as follows:

The director shall revoke the hunting license of a person who shoots another person or domestic livestock while hunting. A hunting license shall not be issued to that person unless the ~~((commission))~~ director authorizes the issuance of a license, and damages caused by the wrongful shooting have been paid.

Sec. 72. Section 77.12.110, chapter 36, Laws of 1955 as amended by section 25, chapter 78, Laws of 1980 and RCW 77.21.040 are each amended to read as follows:

(1) In addition to other penalties provided by law, a court may forfeit, for the use of the ~~((commission))~~ department, wildlife seized under this title and proven, in either a criminal or civil action, to have been unlawfully taken, killed, transported, or possessed and articles or devices seized under this title and proven, in either a criminal or civil action, to have been



unlawfully used or held with intent to unlawfully use. Unless forfeited by the court, the department shall return an item seized under this title to its owner after the completion of the case and all fines have been paid. If the owner of a seized item cannot be found, the court may forfeit that item after summons has been served by publication as in civil actions and a hearing has been held.

(2) Wildlife unlawfully taken or possessed remains the property of the state.

(3) The ~~((commission))~~ director may sell articles or devices seized and forfeited under this title by the court at public auction. The time, place, and manner of holding the sale ~~((is within the discretion of the commission))~~ shall be determined by the director. The director shall publish notice of the sale once a week for at least two consecutive weeks prior to the sale in at least one newspaper of general circulation in the county in which the sale is to be held. Proceeds from the sales shall be deposited in the state treasury to be credited to the state ~~((game))~~ wildlife fund.

Sec. 73. Section 77.32.260, chapter 36, Laws of 1955 as amended by section 122, chapter 78, Laws of 1980 and RCW 77.21.060 are each amended to read as follows:

Upon conviction of a violation of this title or rules ~~((of the commission))~~ adopted pursuant to this title, the court may forfeit a license, in addition to other penalties provided by law. Upon subsequent conviction, the forfeiture of the license is mandatory. The ~~((commission))~~ director may prohibit ~~((by rule))~~ issuance of a license to a person convicted two or more times or prescribe the conditions for subsequent issuance of a license.

Sec. 74. Section 3, chapter 8, Laws of 1983 1st ex. sess. as last amended by section 1, chapter 318, Laws of 1986 and RCW 77.21.070 are each amended to read as follows:

(1) Whenever a person is convicted of illegal killing or possession of wildlife listed in this subsection, the convicting court shall order the person to reimburse the state in the following amounts for each animal killed or possessed:

- |   |                               |
|---|-------------------------------|
| (a) Moose, antelope, mountain sheep, mountain goat, and all wildlife species classified as endangered by rule of the commission | \$ <del>((1,000))</del> 2,000 |
| (b) Elk, deer, black bear, and cougar   | \$ <del>((500))</del> 1,000   |
| (c) Mountain caribou and grizzly bear   | \$5,000                       |

(2) The court shall order an additional amount not less than five percent and not exceeding ten percent of the applicable amount in this section to be placed in the state wildlife conservation reward fund.

(3) For the purpose of this section, the term "convicted" includes a plea of guilty, a finding of guilt regardless of whether the imposition of the sentence is deferred or any part of the penalty is suspended, and the payment of a fine. No court may establish bail for illegal possession of wildlife listed in subsection (1) in an amount less than the bail established for hunting during the closed season plus the reimbursement value of wildlife set forth in subsection (1).

~~((3))~~ (4) If two or more persons are convicted of illegally possessing wildlife listed in this section, the reimbursement amount shall be imposed upon them jointly and separately.

~~((4))~~ (5) The reimbursement amount provided in this section shall be imposed in addition to and regardless of any penalty, including fines, or costs, that is provided for violating any provision of Title 77 RCW. The reimbursement required by this section shall be included by the court in any pronouncement of sentence and may not be suspended, waived, modified, or deferred in any respect. Nothing in this section may be construed to abridge or alter alternative rights of action or remedies in equity or under common law or statutory law, criminal or civil.

~~((5))~~ (6) A defaulted reimbursement or any installment payment thereof may be collected by any means authorized by law for the enforcement of orders of the court or collection of a fine or costs, including vacation of a deferral of sentencing or of a suspension of sentence.

NEW SECTION. Sec. 75. A new section is added to chapter 77.21 RCW to read as follows:

The state wildlife conservation reward fund is established in the custody of the state treasurer. The director shall deposit in the fund all moneys designated to be placed in the fund under RCW 77.21.070(2) and otherwise designated by rule of the director. Moneys in the fund shall be spent to provide rewards to persons informing the department about violations of this title or rules adopted pursuant to this title. Disbursements from the fund shall be on the authorization of the director 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 disbursement.

The amount of any reward shall not exceed the amount specified in RCW 77.21.070(2).

Sec. 76. Section 77.32.010, chapter 36, Laws of 1955 as last amended by section 25, chapter 457, Laws of 1985 and RCW 77.32.010 are each amended to read as follows:

(1) Except as otherwise provided in this chapter, a license issued by the ~~((commission))~~ director is required to:

- Hunt for wild animals or wild birds or fish for game fish;
- Practice taxidermy for profit;
- Deal in raw furs for profit;
- Act as a fishing guide;
- Operate a game farm;
- Purchase or sell anadromous game fish; or

(g) Use department-managed lands or facilities as provided by rules ~~((of the commission))~~ adopted pursuant to this title.

(2) A permit issued by the director is required to:

(a) Conduct, hold, or sponsor hunting or fishing contests or competitive field trials using live wildlife;

(b) Collect wild animals, wild birds, game fish, or protected wildlife for research or display; or

(c) Stock game fish.

(3) Aquaculture as defined in RCW 15.85.020 is exempt from the requirements of this section, except when being stocked in public waters under contract with the department ~~((of game))~~.

Sec. 77. Section 77.32.050, chapter 36, Laws of 1955 as last amended by section 16, chapter 310, Laws of 1981 and RCW 77.32.050 are each amended to read as follows:

Licenses, permits, tags, stamps, and punchcards required by this chapter shall be issued under the authority of the commission. The ~~((commission))~~ director may authorize department personnel, county auditors, or other reputable citizens to issue licenses, permits, tags, stamps, and punchcards and collect the appropriate fees. The authorized persons shall pay on demand or before the tenth day of the following month the fees collected and shall make reports as required by the ~~((commission))~~ director. The ~~((commission))~~ director may adopt rules for issuing licenses, permits, tags, stamps, and punchcards, collecting and paying fees, and making reports.

Sec. 78. Section 77.32.060, chapter 36, Laws of 1955 as last amended by section 1, chapter 464, Laws of 1985 and RCW 77.32.060 are each amended to read as follows:

The ~~((commission))~~ director may adopt rules establishing the amount a license dealer may charge and keep for each license, tag, permit, stamp, or punchcard issued. The ~~((commission))~~ director shall establish the amount to be retained by dealers to be at least fifty cents for each license issued, and twenty-five cents for each tag, permit, stamp, or punchcard issued. The ~~((commission))~~ director shall report to the next regular session of the legislature explaining any increase in the amount retained by license dealers. Fees retained by dealers shall be uniform throughout the state.

Sec. 79. Section 77.32.070, chapter 36, Laws of 1955 as last amended by section 18, chapter 310, Laws of 1981 and RCW 77.32.070 are each amended to read as follows:

Applicants for a license, permit, tag, stamp, or punchcard shall furnish the information required by ~~((rule of the commission))~~ the director. The ~~((commission))~~ director may adopt rules requiring licensees or permittees to keep records and make reports concerning the taking of wildlife.

Sec. 80. Section 77.32.090, chapter 36, Laws of 1955 as last amended by section 19, chapter 310, Laws of 1981 and RCW 77.32.090 are each amended to read as follows:

The ~~((commission))~~ director may adopt rules pertaining to the form, period of validity, use, possession, and display of licenses, permits, tags, stamps, and punchcards required by this chapter.

Sec. 81. Section 1, chapter 17, Laws of 1957 as last amended by section 21, chapter 310, Laws of 1981 and RCW 77.32.155 are each amended to read as follows:

When purchasing a hunting license, persons under the age of eighteen shall present certification of completion of a course of instruction of at least six hours in the safe handling of firearms, safety, conservation, and sportsmanship.

The ~~((commission))~~ director may establish a program for training persons in the safe handling of firearms, conservation, and sportsmanship and may cooperate with the National Rifle Association, organized sportsmen's groups, or other public or private organizations.

The ~~((commission))~~ director shall prescribe the type of instruction and the qualifications of the instructors.

Upon successful completion of the course, a trainee shall receive a hunter education certificate signed by an authorized instructor. The certificate is evidence of compliance with this section.

The director may accept certificates from other states that persons have successfully completed firearm safety, hunter education, or similar courses as evidence of compliance with this section.

Sec. 82. Section 1, chapter 43, Laws of 1977 as last amended by section 24, chapter 310, Laws of 1981 and RCW 77.32.197 are each amended to read as follows:

Persons purchasing a state trapping license for the first time shall present certification of completion of a course of instruction in safe, humane, and proper trapping techniques or pass an examination to establish that the applicant has the requisite knowledge.

The ~~((commission))~~ director shall establish a program for training persons in trapping techniques and responsibilities, including the use of trapping devices designed to painlessly capture or instantly kill. The ~~((commission))~~ director shall cooperate with national and state animal, humane, hunter education, and trapping organizations in the development of a curriculum. Upon successful completion of the course, trainees shall receive a trapper's training

certificate signed by an authorized instructor. This certificate is evidence of compliance with this section.

Sec. 83. Section 30, chapter 15, Laws of 1975 1st ex. sess. as last amended by section 5, chapter 464, Laws of 1985 and RCW 77.32.211 are each amended to read as follows:

(1) A taxidermy license allows the holder to practice taxidermy for profit. The fee for this license is one hundred fifty dollars.

(2) A fur dealer's license allows the holder to purchase, receive, or resell raw furs for profit. The fee for this license is one hundred fifty dollars.

(3) A fishing guide license allows the holder to offer or perform the services of a professional guide in the taking of game fish. The fee for this license is one hundred fifty dollars for a resident and five hundred dollars for a nonresident.

(4) A game farm license allows the holder to operate a game farm to acquire, breed, grow, keep, and sell wildlife under conditions prescribed by the ((commission)) rules adopted pursuant to this title. The fee for this license is sixty dollars for the first year and forty dollars for each following year.

(5) A game fish stocking permit allows the holder to release game fish into the waters of the state as prescribed by rule of the commission. The fee for this permit is twenty dollars.

(6) A hunting, fishing, or field trial permit allows the holder to promote, conduct, hold, or sponsor a hunting, fishing, or field trial contest in accordance with rules of the commission. The fee for this permit is twenty dollars.

(7) An anadromous game fish buyer's license allows the holder to purchase or sell steelhead trout and other anadromous game fish harvested by Indian fishermen lawfully exercising fishing rights reserved by federal statute, treaty, or executive order, under conditions prescribed by rule of the ((commission)) director. The fee for this license is one hundred fifty dollars.

Sec. 84. Section 77.32.220, chapter 36, Laws of 1955 as last amended by section 4, chapter 284, Laws of 1983 and RCW 77.32.220 are each amended to read as follows:

Licensed taxidermists, fur dealers, anadromous game fish buyers, fishing guides, game farmers, and persons stocking game fish or conducting a hunting, fishing, or field trial contest shall make reports as required by rules of the ((commission)) director.

Sec. 85. Section 77.32.230, chapter 36, Laws of 1955 as last amended by section 6, chapter 464, Laws of 1985 and RCW 77.32.230 are each amended to read as follows:

(1) A person sixty-five years of age or older who is an honorably discharged veteran of the United States armed forces having a service-connected disability and who has been a resident for five years may receive upon application a state hunting and fishing license free of charge.

(2) Subject to subsection (7) of this section, a person seventy years of age or older who has been a resident for ten years may receive, upon application, a fishing license free of charge.

(3) A blind person, or a person with a developmental disability as defined in RCW 71.20-.016 with documentation of the disability from the department of social and health services, or a physically handicapped person confined to a wheelchair may receive upon application a fishing license free of charge.

(4) A blind person or a physically handicapped person confined to a wheelchair who has been issued a card for a permanent disability under RCW 46.16.381 may use that card in place of a fishing license unless tags, permits, stamps, or punchcards are required by this chapter.

(5) A fishing license is not required for persons under the age of fifteen.

(6) Tags, permits, stamps, and punchcards required by this chapter shall be purchased separately by persons receiving a free or reduced-fee license.

(7) (a) By ~~(January 1, 1986)~~ June 30, 1989, the ((game)) wildlife commission shall adopt a policy determining the fee, if any is charged, and residency requirement for fishing licenses for residents seventy years of age or older. Prior to adopting any policy, the commission shall hold state-wide hearings to learn concerns of interested citizens. The commission shall consider the needs of low-income senior citizens and appropriate residency requirements for senior citizens. If the commission recommends a change in the fishing license fees for residents over seventy years of age, the commission shall report to the next regular session of the legislature the reasons for recommending the change.

(b) The department shall, in a timely manner, adopt by rule any fishing license fees and residency requirements recommended by the commission for persons seventy years of age or older.

Sec. 86. Section 32, chapter 15, Laws of 1975 1st ex. sess. as last amended by section 7, chapter 464, Laws of 1985 and RCW 77.32.256 are each amended to read as follows:

The ((commission)) director shall by rule establish the conditions for issuance of duplicate licenses, permits, tags, stamps, and punchcards required by this chapter. The fee for a duplicate provided under this section is eight dollars.

Sec. 87. Section 8, chapter 310, Laws of 1981 and RCW 77.32.320 are each amended to read as follows:

(1) A separate transport tag is required to hunt deer, elk, bear, cougar, sheep, mountain goat, or wild turkey.

(2) A transport tag may only be obtained subsequent to the purchase of a valid hunting license and must have permanently affixed to it the hunting license number and the supplemental stamp appropriate for the species being hunted.

(3) Persons who kill deer, elk, bear, cougar, mountain goat, sheep, moose, or wild turkey shall immediately validate and attach their own transport tag to the carcass as provided by rule of the ~~((commission))~~ director.

(4) Transport tags required by this section expire on March 31st following the date of issuance.

Sec. 88. 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.

(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.

(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.

(5) 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) Persons killing quail, partridge, and pheasant shall immediately validate their punchcard as provided by rule of the commission.

(7) Upland bird punchcards required under this section expire March 31st following the date of issuance.

Sec. 89. Section 14, chapter 310, Laws of 1981 as amended by section 7, chapter 240, Laws of 1984 and RCW 77.32.370 are each amended to read as follows:

(1) A special hunting season permit is required to hunt in each special season established under chapter 77.12 RCW.

(2) Persons may apply for special hunting season permits as provided by rule of the ~~((commission))~~ director.

(3) The application fee to participate in a special hunting season is two dollars.

Sec. 90. Section 15, chapter 310, Laws of 1981 as amended by section 11, chapter 464, Laws of 1985 and RCW 77.32.380 are each amended to read as follows:

Persons sixteen years of age or older who use clearly identified ~~((game))~~ department lands and access facilities are required to possess a conservation license or a hunting, fishing, trapping, or free license on their person while using the facilities. The fee for this license is eight dollars annually.

The spouse, all children under eighteen years of age, and guests under eighteen years of age of the holder of a valid conservation license may use ~~((game))~~ department lands and access facilities when accompanied by the license holder.

Youth groups may use ~~((game))~~ department lands and game access facilities without possessing a conservation license when accompanied by a license holder.

The conservation license is nontransferable and must be validated by the signature of the holder. Upon request of a wildlife agent or ex officio wildlife agent a person using clearly identified game department lands shall exhibit the required license.

Sec. 91. Section 6, chapter 232, Laws of 1983 as amended by section 1, chapter 153, Laws of 1986 and RCW 9.41.098 are each amended to read as follows:

(1) The superior courts and the courts of limited jurisdiction of the state may order forfeiture of a firearm which is proven to be:

(a) Found concealed on a person not authorized by RCW 9.41.060 or 9.41.070 to carry a concealed pistol: PROVIDED, That it is an absolute defense to forfeiture if the person possessed a valid Washington concealed pistol license within the preceding two years and has not become ineligible for a concealed pistol license in the interim. Before the firearm may be returned, the person must pay the past due renewal fee and the current renewal fee;

(b) Commercially sold to any person without an application as required by RCW 9.41.090;

(c) Found in the possession or under the control of a person at the time the person committed or was arrested for committing a crime of violence or a crime in which a firearm was used or displayed or a felony violation of the uniform controlled substances act, chapter 69.50 RCW;

(d) Found concealed on a person who is in any place in which a concealed pistol license is required, and who is under the influence of any drug or under the influence of intoxicating liquor, having 0.10 grams or more of alcohol per two hundred ten liters of breath, as shown by analysis of his breath, blood, or other bodily substance;

(e) Found in the possession of a person prohibited from possessing the firearm under RCW 9.41.040;

(f) Found in the possession of a person free on bail or personal recognizance pending trial, appeal, or sentencing for a crime of violence or a crime in which a firearm was used or displayed, except that violations of Title 77 RCW shall not result in forfeiture under this section;

(g) Found in the possession of a person found to have been mentally incompetent while in possession of a firearm when apprehended or who is thereafter committed pursuant to chapter 10.77 or 71.05 RCW;

(h) Known to have been used or displayed by a person in the violation of a proper written order of a court of general jurisdiction; or

(i) Known to have been used in the commission of a crime of violence or a crime in which a firearm was used or displayed or a felony violation of the uniformed controlled substances act, chapter 69.50 RCW.

(2) Upon order of forfeiture, the court in its discretion shall order destruction of any firearm that is illegal for any person to possess, retention of the firearm as evidence, appropriate use by a law enforcement agency in the state, donation to a historical museum, or sale at a public auction to a commercial seller. The proceeds from any sale shall be divided as follows: The local jurisdiction shall retain its costs, including actual costs of storage and sale, and shall forward the remainder to the state (~~(game commission)~~ department of wildlife) for use in its firearms training program pursuant to RCW 77.32.155. If the court orders delivery to a law enforcement agency and the agency no longer requires use of the firearm, the agency shall dispose of the firearm in a manner which is consistent with this subsection.

(3) The court shall order the firearm returned to the owner upon a showing that there is no probable cause to believe a violation of subsection (1) of this section existed or the firearm was stolen from the owner or the owner neither had knowledge of nor consented to the act or omission involving the firearm which resulted in its forfeiture.

(4) A law enforcement officer of the state or of any county or municipality may confiscate a firearm found to be in the possession of a person under circumstances specified in subsection (1) of this section. After confiscation, the firearm shall not be surrendered except: (a) To the prosecuting attorney for use in subsequent legal proceedings; (b) for disposition according to an order of a court having jurisdiction as provided in subsection (1) of this section; or (c) to the owner if the proceedings are dismissed or as directed in subsection (3) of this section.

Sec. 92. Section 6, chapter 120, Laws of 1967 as last amended by section 109, chapter 3, Laws of 1983 and RCW 43.51.675 are each amended to read as follows:

Nothing in RCW 43.51.650 through 43.51.685 shall be construed to interfere with the powers, duties and authority of the department of fisheries to regulate the conservation or taking of food fish and shellfish. Nor shall anything in RCW 43.51.650 through 43.51.685 be construed to interfere with the powers, duties and authority of the state department of (~~(game or the state game commission)~~ wildlife) to regulate, manage, conserve, and provide for the harvest of wildlife within such area: PROVIDED, HOWEVER, That no hunting shall be permitted in any state park.

Sec. 93. Section 10, chapter 75, Laws of 1977 ex. sess. and RCW 43.51.955 are each amended to read as follows:

Nothing in RCW 43.51.946 through 43.51.956 shall be construed to interfere with the powers, duties, and authority of the state department of (~~(game)~~ wildlife) or the state (~~(game)~~ wildlife commission) to regulate, manage, conserve, and provide for the harvest of wildlife within such area: PROVIDED, HOWEVER, That no hunting shall be permitted in any state park.

Sec. 94. Section 75.16.060, chapter 12, Laws of 1955 as amended by section 12, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.08.055 are each amended to read as follows:

(1) The director (~~(and the state game)~~), and the director of wildlife with the concurrence of the wildlife commission, may enter into agreements with and receive funds from the United States for the construction, maintenance, and operation of fish cultural stations, laboratories, and devices in the Columbia River basin for improvement of feeding and spawning conditions for fish, for the protection of migratory fish from irrigation projects and for facilitating free migration of fish over obstructions.

(2) The director and the (~~(state game)~~ wildlife) commission may acquire by gift, purchase, lease, easement, or condemnation the use of lands where the construction or improvement is to be carried on by the United States.

Sec. 95. Section 1, chapter 166, Laws of 1979 ex. sess. as amended by section 46, chapter 87, Laws of 1980 and RCW 90.03.247 are each amended to read as follows:

Whenever an application for a permit to make beneficial use of public waters is approved relating to a stream or other water body for which minimum flows or levels have been adopted and are in effect at the time of approval, the permit shall be conditioned to protect the levels or flows. No agency may establish minimum flows and levels or similar water flow or level restrictions for any stream or lake of the state other than the department of ecology whose authority to establish is exclusive, as provided in chapter 90.03 RCW and RCW 90.22.010 and 90.54.040. The provisions of other statutes, including but not limited to RCW 75.20.100 and chapter 43.21C RCW, may not be interpreted in a manner that is inconsistent with this section. In establishing such minimum flows, levels, or similar restrictions, the department shall, during all stages of development by the department of ecology of minimum flow proposals, consult with,

and carefully consider the recommendations of, the department of fisheries, the ~~((state game commission))~~ department of wildlife, the state energy office, the department of agriculture, and representatives of the affected Indian tribes. Nothing herein shall preclude the department of fisheries, the ~~((game commission))~~ department of wildlife, the energy office, or the department of agriculture from presenting its views on minimum flow needs at any public hearing or to any person or agency, and the department of fisheries, the ~~((game commission))~~ department of wildlife, the energy office, and the department of agriculture are each empowered to participate in proceedings of the federal energy regulatory commission and other agencies to present its views on minimum flow needs. The department of ecology shall file with the speaker of the house of representatives and the president of the senate on the first day of each regular session of the legislature during an odd-numbered year a report as to the implementation of its minimum flow setting program.

Sec. 96. Section 3, chapter 284, Laws of 1969 ex. sess. and RCW 90.22.010 are each amended to read as follows:

The department of water resources may establish minimum water flows or levels for streams, lakes or other public waters for the purposes of protecting fish, game, birds or other wildlife resources, or recreational or aesthetic values of said public waters whenever it appears to be in the public interest to establish the same. In addition, the department of water resources shall, when requested by the department of fisheries or the ~~((game commission))~~ department of wildlife to protect fish, game or other wildlife resources under the jurisdiction of the requesting state agency, or by the water pollution control commission to preserve water quality, establish such minimum flows or levels as are required to protect the resource or preserve the water quality described in the request. Any request submitted by the department of fisheries, ~~((game commission))~~ department of wildlife, or ~~((water pollution control commission))~~ department of ecology shall include a statement setting forth the need for establishing a minimum flow or level. This section shall not apply to waters artificially stored in reservoirs, provided that in the granting of storage permits by the department of ~~((water resources))~~ ecology in the future, full recognition shall be given to downstream minimum flows, if any there may be, which have heretofore been established hereunder.

Sec. 97. Section 4, chapter 284, Laws of 1969 ex. sess. as last amended by section 1, chapter 196, Laws of 1985 and RCW 90.22.020 are each amended to read as follows:

Flows or levels authorized for establishment under RCW 90.22.010, or subsequent modification thereof by the department shall be provided for through the adoption of rules. Before the establishment or modification of a water flow or level for any stream or lake or other public water, the department shall hold a public hearing in the county in which the stream, lake, or other public water is located. If it is located in more than one county the department shall determine the location or locations therein and the number of hearings to be conducted. Notice of the hearings shall be given by publication in a newspaper of general circulation in the county or counties in which the stream, lake, or other public waters is located, once a week for two consecutive weeks before the hearing. The notice shall include the following:

- (1) The name of each stream, lake, or other water source under consideration;
- (2) The place and time of the hearing;
- (3) A statement that any person, including any private citizen or public official, may present his views either orally or in writing.

Notice of the hearing shall also be served upon the administrators of the departments of fisheries, social and health services, ~~((and))~~ natural resources, ~~((the game commission))~~ wildlife, and ~~((the department of))~~ transportation.

NEW SECTION. Sec. 98. Section 2, chapter 93, Laws of 1985 and RCW 77.04.110 are each repealed.

NEW SECTION. Sec. 99. All references in the Revised Code of Washington to the department of game, the game commission, the director of game, and the game fund shall mean, respectively, the department of wildlife, the wildlife commission, the director of wildlife, and the wildlife fund.

NEW SECTION. Sec. 100. Rules of the department of game existing prior to the effective date of this section shall remain in effect unless or until amended or repealed by the director of wildlife or the wildlife commission pursuant to Title 77 RCW. The director of game on the effective date of this section shall continue as the director of wildlife until resignation or removal in accordance with the provisions of RCW 43.17.020. The game commission on the effective date of this section shall continue as the wildlife commission.

NEW SECTION. Sec. 101. No official or supervisory employee of the department of game or the department of wildlife shall take any measures against any employee of the department 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.

NEW SECTION. Sec. 102. 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.\*

## MOTION

Senator Stratton moved that the following amendments by Senators Stratton, Patterson, Pullen and Rasmussen to the Committee on Ways and Means amendment be considered simultaneously and adopted:

On page 1, line 15, after "wildlife" insert "from a list of names submitted by the wildlife commission"

On page 6, line 25, after "position," insert "The governor shall select the director from a list of at least three candidates submitted by the commission. However, the governor may request and select the director from such additional number of new names or lists as the governor determines necessary to identify an appropriate candidate. The commission shall provide the additional number of new names or lists requested by the governor."

Debate ensued.

## MOTION

On motion of Senator Metcalf, the question was divided.

The President declared the question before the Senate to be adoption of the first amendment on page 1, line 15 by Senators Stratton, Patterson, Pullen and Rasmussen to the Committee on Ways and Means amendment.

Further debate ensued.

## POINT OF INFORMATION

Senator Barr: "Mr. President, exactly which amendment are we on?"

## REPLY BY THE PRESIDENT

President Cherberg: "The Senate is considering the first amendment which is marked 'B.'"

Further debate ensued.

Senator Owen demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment on page 1, line 15, by Senators Stratton, Patterson, Pullen and Rasmussen to the Committee on Ways and Means amendment.

## ROLL CALL

The Secretary called the roll and the motion by Senator Stratton carried and the amendment to the committee amendment was adopted by the following vote: Yeas, 27; nays, 22.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Cantu, Deccio, Hansen, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Patterson, Pullen, Rasmussen, Saling, Sellar, Smitherman, Stratton, Tanner, von Reichbauer, West, Zimmerman - 27.

Voting nay: Senators Bender, Bluechel, Bottiger, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hayner, Kreidler, McDermott, Moore, Owen, Peterson, Rinehart, Talmadge, Vognild, Warnke, Williams, Wojahn - 22.

The President declared the question before the Senate to be adoption of the second amendment by Senators Stratton, Patterson, Pullen and Rasmussen on page 6, line 25, to the Committee on Ways and Means amendment.

Debate ensued.

The amendment by Senators Stratton, Patterson, Pullen and Rasmussen on page 6, line 25, to the Committee on Ways and Means amendment was not adopted on a rising vote.

## MOTION

Senator Pullen moved that the following amendment by Senators Pullen and Rasmussen to the Committee on Ways and Means amendment be adopted:

On page 6, line 25, after "position," insert "The governor shall select the director from a list of at least three candidates submitted by the commission."

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senators Pullen and Rasmussen to the Committee on Ways and Means amendment.

The motion by Senator Pullen carried and the amendment to the committee amendment was adopted.

## MOTION

Senator Stratton moved that the following amendment by Senators Stratton, Patterson, Pullen, Metcalf and Rasmussen to the Committee on Ways and Means amendment be adopted:

On page 1, line 21, after "wildlife;" strike "(6); and" and insert "(6) to not increase the cost of license, tag, stamp, permit, and punchcard fees; and (7)"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senators Stratton, Patterson, Pullen, Metcalf and Rasmussen to the Committee on Ways and Means amendment.

The motion by Senator Stratton carried and the amendment to the committee amendment was adopted.

## MOTION

Senator Metcalf moved that the following amendments to the Committee on Ways and Means amendment be considered simultaneously and adopted:

On page 1, beginning on line 5, strike everything down to and including "(commission))", on line 36, page 2

Beginning on page 3, line 11, strike everything down to and including "repealed." on page 49, line 9

On page 49, beginning on line 15, strike the remainder of the material and insert the following:

NEW SECTION, Sec. 100. There is a clear need for an in-depth analysis of the best possible structure of the department of game to be certain that hunting and fishing opportunities and the management and protection of nongame wildlife species are maximized. The best minds in this state and the nation are needed to be certain input is obtained from those with expertise and many years of practical experience in game and wildlife management.

NEW SECTION, Sec. 101. The blue ribbon wildlife task force is hereby created to be composed of the following twelve members: Two members appointed by the game commission, two members appointed by the governor, one nonlegislative member appointed by each major caucus of the senate and house of representatives, and one nonvoting ex officio legislator appointed from each major caucus of the senate and house of representatives. At the first meeting, the task force shall select a chairman, who shall vote only in the case of a tie vote of the task force members present and voting. Members of the task force shall be reimbursed for travel expenses pursuant to RCW 43.03.050 and 43.03.060. Legislative members shall be reimbursed pursuant to RCW 44.04.120.

NEW SECTION, Sec. 102. The task force shall meet first at a place, time, and date selected by the game commission and shall thereafter establish procedures for future meetings. The task force is charged with considering all aspects of game and wildlife management and preparing legislation for any changes they recommend in the game department's organization, line of authority, and responsibility. This legislation shall be submitted to the governor and the appropriate standing committees of the senate and house of representatives as soon as is practical, but no later than . . . . . 19... on which date the task force shall terminate.

NEW SECTION, Sec. 103. Sections 1 through 3 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."

## POINT OF INFORMATION

Senator Stratton: "Mr. President, did we by pass amendment 'D'? Does this mean that amendment was withdrawn and we are not going to discuss it? It seems to me that we should--a lot of the vote on the other one would depend on whether this one passes or not."

## REPLY BY THE PRESIDENT

President Cherberg: "Senator, the sponsor of that, Senator McDermott, is not here at the moment."

Further debate ensued.

## MOTION

On motion of Senator Metcalf, further consideration of the amendments to the committee amendment were deferred.



## MOTION

Senator Bender moved that the following amendments to the Committee on Ways and Means amendment be considered simultaneously and adopted:

On page 40, line 33, strike "sixty-five years of age or older"

On page 40, line 35, strike "who has been a resident for five years may receive upon application a state hunting and fishing license free of charge." and insert "~~((who has been a resident for five years may receive upon application a state hunting and fishing license free of charge;))~~ whose service connected disabilities have been established as permanent in nature by the veterans administration and are rated from thirty to one hundred percent disabled as determined by the veterans administration shall receive upon application a permanent fishing and hunting license without charge.

Disabled veterans making application for a free fishing and hunting license shall provide the department with a copy of documents verifying the disability from the veterans administration.

Debate ensued.

## POINT OF INQUIRY

Senator Lee: "Senator Bender, you had said that thirty percent disability was missing a limb, now is that like the digit of a finger or a toe? Senator Sellar was just informing me about a fellow he knows with a twenty-eight percent disability and that is simply a plastic knee cap that gives him trouble once in a while, but isn't any worse than some of the people out here who have football injuries."

Senator Bender: "My understanding in talking with the Department, it is the loss of an arm or leg. I am not sure that is the total arm, but it was a pretty substantial loss of a limb."

Senator Lee: "I don't know if there is anybody here who knows that, because when you say, 'loss of a limb' you cover a lot of territory. Amputation to the shoulder is one thing, but amputation to the second joint of your finger is something else. So, you don't really know?"

## POINT OF INQUIRY

Senator Rasmussen: "Senator Bender, your first amendment on page 40, line 33, strikes sixty-five years of age or older. As I read that line, a person sixty-five years of age or older who is an honorably discharged veteran of the United States Armed Forces having a service connected disability--you are striking that sixty-five. Is that necessary? This would give all veterans that have a disability and there are many who are not up to the thirty or fifty percent, this would disallow them from having a free license?"

Senator Bender: "The intent of the amendment is to allow any veteran that has a thirty percent disability or more to be granted a free fishing and hunting license. That is the intent of the amendment. I don't have the actual bill before me right now."

## MOTION

On motion of Senator Rasmussen, the question was divided, and to first consider the second amendment by Senator Bender.

The President declared the question before the Senate to be adoption of the second amendment by Senator Bender on page 40, line 35, to the Committee on Ways and Means amendment.

## MOTION

On motion of Senator Bender, further consideration of the amendment to the committee amendment was deferred.

## MOTION

Senator Stratton moved that the following amendment by Senators Stratton, Patterson, Metcalf and Rasmussen to the Committee on Ways and Means amendment be adopted:

On page 49, line 24, strike all material in NEW SECTION, Sec. 101.  
Renumber the remaining sections accordingly

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senators Stratton, Patterson, Metcalf and Rasmussen to the Committee on Ways and Means amendment.

The motion by Senator Stratton carried and the amendment to the committee amendment was adopted.

#### MOTION

On motion of Senator Tanner, the following amendment to the Committee on Ways and Means amendment was adopted:

On page 49, after line 31, insert the following:

**NEW SECTION, Sec. 102.** The legislature recognizes the need to mitigate the effects of sedimentary build-up and resultant damage to fish population in the Toutle river resulting from the Mt. St. Helens eruption. The state has entered into a contractual agreement with the United States army corps of engineers designed to minimize fish habitat disruption created by the sediment retention structure on the Toutle river, under which the corps has agreed to construct a fish collection facility at the sediment retention structure site conditional upon the state assuming the maintenance and operation costs of the facility. The department of game shall operate and maintain the fish collection facility on the Toutle river."

Renumber the remaining section accordingly

#### MOTION

Senator Pullen moved that the following amendment by Senators Pullen, Metcalf and Rasmussen to the Committee on Ways and Means amendment be adopted:

On page 49, beginning on line 32, strike all of NEW SECTION, Sec. 102.

#### POINT OF INQUIRY

Senator Rasmussen: "Senator Pullen, is it your opinion that this is in the bill to deliberately deny the people the right to a referendum?"

Senator Pullen: "Senator Rasmussen, I think all of the Senators on this floor are very honorable Senators and I don't know any Senator who would want to deny the people the right to referendum. That's why I am sure this amendment which will allow the people the right to referendum will be adopted."

Senator Rasmussen: "Could I ask you one more question? Why would this need an emergency clause?"

Senator Pullen: "I can't answer that. Perhaps the proponents of the measure could answer that. But, in looking into it, I cannot find any reason for an emergency clause to be on there other than the fact that some people want it to go into effect as soon as possible."

#### POINT OF INQUIRY

Senator Rasmussen: "Senator Metcalf, do you read this inclusion in the law--the proposed law here--that it was purposely put there to deny the people the right of a referendum?"

Senator Metcalf: "Senator Rasmussen, my answer to that is that there can be, in my estimation, no other purpose except to deny the people the right of referendum. If you look at the bill, there is nothing in this bill that has to happen that quickly. There is no possible need that I see for an emergency clause, other than to deny the people the right of referendum."

#### PARLIAMENTARY INQUIRY

Senator Rasmussen: "Mr. President, I need some expert parliamentary advise. It's my understanding that if this bill were to carry an appropriation--and it also carries an appointment of a director by the Governor--that any section of the law could have a referendum on it and not the whole law. That is my understanding of the way that it works. If I like part of a law, but I don't like all of it, I can have a referendum on that part. Is that correct, Mr. President?"

#### REPLY BY THE PRESIDENT

President Cherberg: "I think you should direct your question to one of the legal beagles."

## REMARKS BY SENATOR PULLEN

Senator Pullen: "Just to answer Senator Rasmussen's question. Article 2, Section 1 of the state Constitution, subsection (b), states, 'The second power reserved by the people is the referendum and it may be ordered on any act, bill, law or any parts thereof passed by the Legislature.' If I might briefly respond to Senator Owen. I would just simply indicate that if planning is the concern, the planning can begin immediately. In other words, the fact that the bill would take effect in the normal way provided by the Constitution, ninety days after the Legislature adjourns, doesn't preclude planning during that time frame. In fact, that is the whole reason for having a ninety day implementation date as provided by the Constitution to allow people to plan for the implementation of laws in an orderly fashion, so the planning can go on immediately, whether there is an emergency clause or the ordinary ninety day deferred implementation period. I think that makes all the more reason why we should vote to strike the emergency clause and to allow for orderly planning by all effected people and to also guarantee the people the right to a petition referendum."

The President declared the question before the Senate to be adoption of the amendment by Senators Pullen, Metcalf and Rasmussen to the Committee on Ways and Means amendment.

The motion by Senator Pullen carried and the amendment to the committee amendment was adopted on a rising vote.

## MOTION

Senator Pullen moved that the following amendment by Senators Pullen, Rasmussen, Metcalf, Stratton, Barr, Craswell and Tanner to the Committee on Ways and Means amendment be adopted:

On page 1, line 23, after "title," insert "This act shall not in any way be construed as diminishing the commitment of the department to hunting and sports fishing. The prime responsibility of the department shall be to foster, support, enhance, and responsibly manage hunting and sports fishing."

Debate ensued.

Senator Owen demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senators Pullen, Rasmussen, Metcalf, Stratton, Barr, Craswell and Tanner to the Committee on Ways and Means amendment.

## ROLL CALL

The Secretary called the roll and the motion by Senator Pullen failed and the amendment to the committee amendment was not adopted by the following vote: Yeas, 15; nays, 34.

Voting yea: Senators Bailey, Barr, Benitz, Conner, Craswell, Halsan, Hansen, Metcalf, Paterson, Pullen, Rasmussen, Sellar, Stratton, von Reichbauer, Zimmerman - 15.

Voting nay: Senators Anderson, Bauer, Bender, Bluechel, Bottiger, Cantu, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Moore, Nelson, Newhouse, Owen, Peterson, Rinehart, Saling, Smitherman, Talmadge, Tanner, Vognil, Warnke, West, Williams, Wojahn - 34.

## MOTION

Senator Pullen moved that the following amendment by Senators Pullen, Rasmussen, Metcalf, Barr, Stratton, Craswell and Tanner to the Committee on Ways and Means amendment be adopted:

On page 4, line 13, after "wildlife" insert "but must give special emphasis to the need to foster, support, enhance, and responsibly manage hunting and sports fishing"

Debate ensued.

Senator Owen demanded a roll call and the demand was sustained.

Further debate ensued.

## POINT OF ORDER

Senator Owen: "Mr. President, I just want to make sure we are all dealing with the same amendment. We are dealing with the amendment on page 4, line 13?"

## REPLY BY THE PRESIDENT

President Cherberg: "That is correct, Senator."

Senator Owen: "I believe Senator Lee spoke to the amendment on page 6, line 22."

## REMARKS BY SENATOR LEE

Senator Lee: "Mr. President, Senator Owen is correct. You can transpose my remarks on to the next amendment."

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senators Pullen, Rasmussen, Metcalf, Barr, Stratton, Craswell and Tanner to the Committee on Ways and Means amendment.

## ROLL CALL

The Secretary called the roll and the motion by Senator Pullen failed and the amendment to the committee amendment was not adopted by the following vote: Yeas, 23; nays, 24; absent, 2.

Voting yea: Senators Bailey, Barr, Benitz, Cantu, Craswell, Deccio, Hansen, Hayner, Johnson, Lee, McCaslin, McDermott, Metcalf, Patterson, Pullen, Rasmussen, Sellar, Stratton, Tanner, von Reichbauer, Warnke, West, Zimmerman - 23.

Voting nay: Senators Anderson, Bauer, Bender, Bluechel, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Kreidler, McDonald, Moore, Nelson, Newhouse, Owen, Peterson, Saling, Smitherman, Talmadge, Vognild, Williams, Wojahn - 24.

Absent: Senators Kiskaddon, Rinehart - 2.

## MOTIONS

On motion of Senator Pullen, the following amendment by Senators Pullen, Rasmussen, Metcalf, Barr, Stratton, Craswell and Tanner to the Committee on Ways and Means amendment was adopted:

On page 6, line 22, after "wildlife" insert "and shall have had experience as a hunter or sports fisherman or shall have demonstrated through words or actions a commitment to the need to foster, support, enhance, and responsibly manage hunting and sports fishing"

On motion of Senator Pullen, the following amendment by Senators Pullen and Rasmussen to the Committee on Ways and Means amendment was adopted:

On page 1, line 23, after "title." insert "This act shall not in any way be construed as diminishing the commitment of the department to hunting and sports fishing."

There being no objection, the Senate resumed consideration of the amendments by Senator Bender on page 40, lines 33 and 35, to the Committee on Ways and Means amendment, deferred earlier today.

## MOTION

On motion of Senator Bender, and there being no objection, the two amendments to the Committee on Ways and Means amendment were withdrawn.

## MOTION

On motion of Senator Bender, the following amendment to the Committee on Ways and Means amendment was adopted.

On page 41, line 1, after "years" strike "may receive upon application a state hunting and fishing license free of charge." and insert "((~~may receive upon application a state hunting and fishing license free of charge.~~)) or a person whose service connected disabilities have been established a permanent in nature by the veterans administration and are rated from thirty to one hundred percent disabled as determined by the veterans administration shall receive upon application a permanent fishing and hunting license without charge.

Disabled veterans making application for a free fishing and hunting license shall provide the department with a copy of documents verifying the disability from the veterans administration."

## MOTION

Senator Barr moved that the following amendments to the Committee on Ways and Means amendment be considered simultaneously and adopted:

On page 3, line 2, strike "eight" and insert "six"

On page 3, line 3, strike "four million five hundred thousand" and insert three million"

Debate ensued.

Senator Rasmussen demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendments by Senator Barr to the Committee on Ways and Means amendment.

#### ROLL CALL

The Secretary called the roll and the motion by Senator Barr failed and the amendments to the committee amendment were not adopted by the following vote: Yeas, 20; nays, 29.

Voting yea: Senators Bailey, Barr, Bender, Bluechel, Bottiger, Conner, Craswell, Fleming, Garrett, Gaspard, McCaslin, McDermott, Moore, Rasmussen, Rinehart, Talmadge, Vognild, Williams, Wojahn, Zimmerman - 20.

Voting nay: Senators Anderson, Bauer, Benitz, Cantu, Deccio, DeJarnatt, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDonald, Metcalf, Nelson, Newhouse, Owen, Peterson, Pullen, Saling, Sellar, Smitherman, Stratton, Tanner, von Reichbauer, Warnke, West - 29.

#### MOTION

Senator Craswell moved that the following amendment by Senators Craswell, Metcalf, Barr and Rasmussen to the Committee on Ways and Means amendment be adopted:

On page 2, line 29, after "That" insert "effective June 30, 1988."

Debate ensued.

Senator Owen demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senators Craswell, Metcalf, Barr and Rasmussen to the Committee on Ways and Means amendment.

#### ROLL CALL

The Secretary called the roll and the motion by Senator Craswell failed and the amendment to the committee amendment was not adopted by the following vote: Yeas, 23; nays, 24; absent, 2.

Voting yea: Senators Anderson, Bailey, Barr, Benitz, Cantu, Craswell, Deccio, Hansen, Hayner, Johnson, Kiskaddon, McCaslin, McDermott, Metcalf, Nelson, Newhouse, Patterson, Pullen, Rasmussen, Saling, Sellar, von Reichbauer, Zimmerman - 23.

Voting nay: Senators Bauer, Bender, Bluechel, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Kreidler, Lee, McDonald, Moore, Owen, Peterson, Smitherman, Stratton, Talmadge, Tanner, Vognild, Warnke, West, Williams - 24.

Absent: Senators Rinehart, Wojahn - 2.

There being no objection, the Senate resumed consideration of the amendments by Senator Metcalf on page 1, line 5, page 3, line 11 and page 49, line 15 to the Committee on Ways and Means amendment, deferred earlier today.

Debate ensued.

Senator Metcalf demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendments by Senator Metcalf to the Committee on Ways and Means amendment.

#### ROLL CALL

The Secretary called the roll and the motion by Senator Metcalf failed and the amendments to the committee amendment were not adopted by the following vote: Yeas, 17; nays, 30; absent, 2.

Voting yea: Senators Bailey, Benitz, Craswell, Deccio, Hansen, Hayner, Kiskaddon, Lee, McCaslin, Metcalf, Nelson, Newhouse, Pullen, Rasmussen, Sellar, von Reichbauer, Zimmerman - 17.

Voting nay: Senators Anderson, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Johnson, Kreidler, McDermott, McDonald, Moore, Owen, Patterson, Peterson, Saling, Smitherman, Stratton, Talmadge, Tanner, Vognild, Warnke, Williams, Wojahn - 30.

Absent: Senators Rinehart, West - 2.

The President declared the question before the Senate to be adoption of the Committee on Ways and Means amendment, as amended.

The Committee on Ways and Means amendment, as amended, was adopted.

## MOTIONS

On motion of Senator Owen, the following title amendments were considered simultaneously and adopted:

On page 1, beginning on line 1 of the title, after "wildlife," strike the remainder of the title and insert "amending RCW 43.17.010, 43.17.020, 77.04.020, 77.04.030, 77.04.040, 77.04.060, 77.04.080, 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, 77.12.370, 77.12.380, 77.12.390, 77.12.420, 77.12.440, 77.12.530, 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, 77.16.130, 77.16.150, 77.16.180, 77.16.320, 77.21.010, 77.21.020, 77.21.030, 77.21.040, 77.21.060, 77.21.070, 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; adding new sections to chapter 77.04 RCW; adding new sections to chapter 77.12 RCW; adding a new section to chapter 77.21 RCW; creating new sections; repealing RCW 77.04.110; making an appropriation; and declaring an emergency."

On page 50 of the Ways and Means Committee amendment, line 25 of the title, strike "; and declaring an emergency"

On motion of Senator Owen, the rules were suspended, Engrossed Second Substitute House Bill No. 758, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

Senators Vognild, Bottiger and Halsan demanded the previous question and the demand was sustained.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Second Substitute House Bill No. 758, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Second Substitute House Bill No. 758, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 30; nays, 18; absent, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kreidler, McDonald, Moore, Owen, Patterson, Peterson, Saling, Sellar, Smitherman, Stratton, Tanner, Vognild, Warnke, West, Williams, Wojahn, Zimmerman - 30.

Voting nay: Senators Anderson, Benitz, Cantu, Craswell, Deccio, Hayner, Johnson, Kiskaddon, Lee, McCaslin, Metcalf, Nelson, Newhouse, Pullen, Rasmussen, Rinehart, Talmadge, von Reichbauer - 18.

Absent: Senator McDermott - 1.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 758, 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.

## MOTION

On motion of Senator Vognild, and there being no objection, Substitute House Bill No. 638 was referred to the Committee on Transportation.

## MOTION

At 6:37 p.m. on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 7:25 p.m. by President Cherberg.

## REPORT OF CONFERENCE COMMITTEE

RE: SHB 1158

Establishing a liquor license for qualified duty free exporters to sell beer and wine to vessels for consumption outside the state of Washington.

April 23, 1987

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom the above measure was referred, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the measure as follows:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 66.24 RCW to read as follows:

(1) There shall be a license to be designated as a class S license to qualified duty free exporters authorizing such exporters to sell beer and wine to vessels for consumption outside the state of Washington.

(2) To qualify for a license under subsection (1) of this section, the exporter shall have:

(a) An importer's basic permit issued by the United States bureau of alcohol, tobacco, and firearms and a customs house license in conjunction with a common carriers bond;

(b) A customs bonded warehouse, or be able to operate from a foreign trade zone; and

(c) A notarized signed statement from the purchaser stating that the product is for consumption outside the state of Washington.

(3) The license for qualified duty free exporters shall authorize the duty free exporter to purchase from a brewery, winery, beer wholesaler, wine wholesaler, beer importer, or wine importer licensed by the state of Washington.

(4) Beer and/or wine sold and delivered in this state to duty free exporters for use under this section shall be considered exported from the state.

(5) The fee for this license shall be one hundred dollars per annum.

**"NEW SECTION. Sec. 2.** A new section is added to chapter 66.24 RCW to read as follows:

The board may by rule, establish procedures for the sale, in accordance with normal commercial practices, of nonliquor products as defined in RCW 82.08.0293 by persons licensed under this chapter.

Sec. 3. Section 3, chapter 62, Laws of 1933 ex. sess. as last amended by section 5, chapter 78, Laws of 1984 and RCW 66.04.010 are each amended to read as follows:

In this title, unless the context otherwise requires:

(1) "Alcohol" is that substance known as ethyl alcohol, hydrated oxide of ethyl, or spirit of wine, which is commonly produced by the fermentation or distillation of grain, starch, molasses, or sugar, or other substances including all dilutions and mixtures of this substance. The term "alcohol" does not include alcohol in the possession of a manufacturer or distiller of alcohol fuel, as described in RCW 66.12.130, which is intended to be denatured and used as a fuel for use in motor vehicles, farm implements, and machines or implements of husbandry.

(2) "Beer" means any malt beverage or malt liquor as these terms are defined in this chapter.

(3) "Brewer" means any person engaged in the business of manufacturing beer and malt liquor.

(4) "Board" means the liquor control board, constituted under this title.

(5) "Club" means an organization of persons, incorporated or unincorporated, operated solely for fraternal, benevolent, educational, athletic or social purposes, and not for pecuniary gain.

(6) "Consume" includes the putting of liquor to any use, whether by drinking or otherwise.

(7) "Dentist" means a practitioner of dentistry duly and regularly licensed and engaged in the practice of his profession within the state pursuant to chapter 18.32 RCW.

(8) "Distiller" means a person engaged in the business of distilling spirits.

(9) "Druggist" means any person who holds a valid certificate and is a registered pharmacist and is duly and regularly engaged in carrying on the business of pharmaceutical chemistry pursuant to chapter 18.64 RCW.

(10) "Drug store" means a place whose principal business is, the sale of drugs, medicines and pharmaceutical preparations and maintains a regular prescription department and employs a registered pharmacist during all hours the drug store is open.

(11) "Employee" means any person employed by the board, including a vendor, as hereinafter in this section defined.

(12) "Fund" means 'liquor revolving fund.'

(13) "Hotel" means every building or other structure kept, used, maintained, advertised or held out to the public to be a place where food is served and sleeping accommodations are offered for pay to transient guests, in which twenty or more rooms are used for the sleeping accommodation of such transient guests and having one or more dining rooms where meals are served to such transient guests, such sleeping accommodations and dining rooms being conducted in the same building and buildings, in connection therewith, and such structure or structures being provided, in the judgment of the board, with adequate and sanitary kitchen and dining room equipment and capacity, for preparing, cooking and serving suitable food for its guests: PROVIDED FURTHER, That in cities and towns of less than five thousand population, the board shall have authority to waive the provisions requiring twenty or more rooms.

(14) "Imprisonment" means confinement in the county jail.

(15) "Liquor" includes the four varieties of liquor herein defined (alcohol, spirits, wine and beer), and all fermented, spirituous, vinous, or malt liquor, or combinations thereof, and mixed

liquor, a part of which is fermented, spirituous, vinous or malt liquor, or otherwise intoxicating; and every liquid or solid or semisolid or other substance, patented or not, containing alcohol, spirits, wine or beer, and all drinks or drinkable liquids and all preparations or mixtures capable of human consumption, and any liquid, semisolid, solid, or other substance, which contains more than one percent of alcohol by weight shall be conclusively deemed to be intoxicating. Liquor does not include confections or food products that contain one percent or less of alcohol by weight.

(16) "Manufacturer" means a person engaged in the preparation of liquor for sale, in any form whatsoever.

(17) "Malt beverage" or "malt liquor" means any beverage such as beer, ale, lager beer, stout, and porter obtained by the alcoholic fermentation of an infusion or decoction of pure hops, or pure extract of hops and pure barley malt or other wholesome grain or cereal in pure water containing not more than eight percent of alcohol by weight, and not less than one-half of one percent of alcohol by volume. For the purposes of this title, any such beverage containing more than eight percent of alcohol by weight shall be referred to as "strong beer."

(18) "Package" means any container or receptacle used for holding liquor.

(19) "Permit" means a permit for the purchase of liquor under this title.

(20) "Person" means an individual, copartnership, association, or corporation.

(21) "Physician" means a medical practitioner duly and regularly licensed and engaged in the practice of his profession within the state pursuant to chapter 18.71 RCW.

(22) "Prescription" means a memorandum signed by a physician and given by him to a patient for the obtaining of liquor pursuant to this title for medicinal purposes.

(23) "Public place" includes streets and alleys of incorporated cities and towns; state or county or township highways or roads; buildings and grounds used for school purposes; public dance halls and grounds adjacent thereto; those parts of establishments where beer may be sold under this title, soft drink establishments, public buildings, public meeting halls, lobbies, halls and dining rooms of hotels, restaurants, theatres, stores, garages and filling stations which are open to and are generally used by the public and to which the public is permitted to have unrestricted access; railroad trains, stages, and other public conveyances of all kinds and character, and the depots and waiting rooms used in conjunction therewith which are open to unrestricted use and access by the public; publicly owned bathing beaches, parks, and/or playgrounds; and all other places of like or similar nature to which the general public has unrestricted right of access, and which are generally used by the public.

(24) "Regulations" means regulations made by the board under the powers conferred by this title.

(25) "Restaurant" means any establishment provided with special space and accommodations where, in consideration of payment, food, without lodgings, is habitually furnished to the public, not including drug stores and soda fountains.

(26) "Sale" and "sell" include exchange, barter, and traffic; and also include the selling or supplying or distributing, by any means whatsoever, of liquor, or of any liquid known or described as beer or by any name whatever commonly used to describe malt or brewed liquor or of wine, by any person to any person; and also include a sale or selling within the state to a foreign consignee or his agent in the state.

(27) "Soda fountain" means a place especially equipped with apparatus for the purpose of dispensing soft drinks, whether mixed or otherwise.

(28) "Spirits" means any beverage which contains alcohol obtained by distillation, including wines exceeding twenty-four percent of alcohol by volume.

(29) "Store" means a state liquor store established under this title.

(30) "Tavern" means any establishment with special space and accommodation for sale by the glass and for consumption on the premises, of beer, as herein defined.

(31) "Vendor" means a person employed by the board as a store manager under this title.

(32) "Winery" means a business conducted by any person for the manufacture of wine for sale, other than a domestic winery.

(33) "Domestic winery" means a place where wines are manufactured or produced within the state of Washington.

(34) "Wine" means any alcoholic beverage obtained by fermentation of fruits (grapes, berries, apples, et cetera) or other agricultural product containing sugar, to which any saccharine substances may have been added before, during or after fermentation, and containing not more than twenty-four percent of alcohol by volume, including sweet wines fortified with wine spirits, such as port, sherry, muscatel and angelica, not exceeding twenty-four percent of alcohol by volume and not less than one-half of one percent of alcohol by volume. For purposes of this title, any beverage containing less than fourteen percent of alcohol by volume when bottled or packaged by the manufacturer shall be referred to as "table wine," and any beverage containing alcohol in an amount equal to or more than fourteen percent by volume when bottled or packaged by the manufacturer shall be referred to as "fortified wine." However, "fortified wine" shall not include: (a) Wines that are both sealed or capped by cork closure and aged two years or more; and (b) wines that contain fourteen percent or more alcohol



by volume solely as a result of the natural fermentation process and that have not been produced with the addition of wine spirits, brandy, or alcohol.

This subsection shall not be interpreted to require that any wine be labeled with the designation "table wine" or "fortified wine."

(35) "Beer wholesaler" means a person who buys beer from a brewer or brewery located either within or beyond the boundaries of the state for the purpose of selling the same pursuant to this title, or who represents such brewer or brewery as agent.

(36) "Wine wholesaler" means a person who buys wine from a vintner or winery located either within or beyond the boundaries of the state for the purpose of selling the same not in violation of this title, or who represents such vintner or winery as agent.

Sec. 4. Section 23-R added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 217, Laws of 1937 as last amended by section 42, chapter 5, Laws of 1981 1st ex. sess. and RCW 66.24.370 are each amended to read as follows:

(1) There shall be a wine retailer's license to be designated as class F license to sell, subject to subsection (2) of this section, table and fortified wine in bottles and original packages, not to be consumed on the premises where sold, at any store other than the state liquor stores: PROVIDED, Such licensee shall pay to the state liquor stores for wines purchased from such stores the current retail price; fee seventy-five dollars per annum: PROVIDED, FURTHER, That a holder of a class A or class B license shall be entitled to the privileges permitted in this section by paying an annual fee of twenty-five dollars for each store.

(2) In counties with a population over three hundred thousand, the board shall issue a restricted class F license, authorizing the licensee to sell only table wine, if the board finds upon issuance or renewal of the license that the sale of fortified wine would be against the public interest. In determining the public interest, the board shall consider at least the following factors:

(a) The likelihood that the applicant will sell fortified wine to persons who are intoxicated;

(b) Law enforcement problems in the vicinity of the applicant's establishment that may arise from persons purchasing fortified wine at the establishment; and

(c) Whether the sale of fortified wine would be detrimental to or inconsistent with a government-operated or funded alcohol treatment or detoxification program in the area.

If the board receives no evidence or objection that the sale of fortified wine would be against the public interest, it shall issue or renew the license without restriction, as applicable. The burden of establishing that the sale of fortified wine by the licensee would be against the public interest is on those persons objecting.

(3) Licensees under this section whose business is primarily the sale of wine at retail may provide, free or for a charge, single-serving samples of two ounces or less to customers for the purpose of sales promotion.

NEW SECTION, Sec. 5. A new section is added to chapter 66.16 RCW to read as follows:

No state liquor store in a county with a population over three hundred thousand may sell fortified wine if the board finds that the sale would be against the public interest based on the factors in RCW 66.24.370. The burden of establishing that the sale would be against the public interest is on those persons objecting.

Sec. 6. Section 1, chapter 55, Laws of 1967 as last amended by section 1, chapter 306, Laws of 1985 and RCW 66.24.490 are each amended to read as follows:

(1) There shall be a retailer's license to be designated as a class I license; this shall be a special occasion license to be issued to the holder of a class H license to extend the privilege of selling and serving spirituous liquor by the individual glass, beer, and wine, at retail, for consumption on the premises, to members and guests of a society or organization on special occasions at a specified date and place when such special occasions of such groups are held on premises other than the class H licensed premises and for consumption on the premises of such outside location. The holder of such special occasion license shall be allowed to remove from the liquor stocks at the licensed class H premises, liquor for sale and service at such special occasion locations. Such special class I license shall be issued for a specified date and place and upon payment of a fee of twenty-five dollars per day or, upon proper application to the liquor control board, an annual class I license may be issued to the holder of a class H license upon payment of a fee of three hundred fifty dollars.

(2) The holder of an annual class I license shall obtain prior board approval for each event at which the class I license will be utilized. When applying for such board approval, the class I licensee shall provide to the board all necessary or requested information concerning the society or organization which will be holding the function at which the class I license will be utilized.

(3) Upon receipt of a request for utilization of a class I license at a particular time and place, the board shall give notification of the pending request to the chief executive officer of the incorporated city or town. If the function is to be held within an incorporated city or town, or to the county legislative authority if the function is to be held outside the boundaries of incorporated cities or towns. ~~(Each such city, town, or county, through the official or employee selected by it, shall have ten days from the date of receipt of said notification in which to file~~

~~written objections to the utilization of the class I license at the particular time and place specified in the request.))~~

(4) If attendance at the function, for which class I license utilization approval is requested, will be open to the general public, board approval may only be given where the society or organization sponsoring the function is within the definition of "society or organization" in RCW 66.24.375. If attendance at the function will be limited to members and invited guests of the sponsoring society or organization, board approval may be given even though the sponsoring society or organization is not within the definition of "society or organization" in RCW 66.24.375.

(5) Where the applicant for either a daily or annual class I license is a class H club licensee, the board shall not issue the class I license, or approve the use of a previously issued class I license, unless the following requirements are met:

(a) The gross food sales of the class H club exceed its gross liquor sales; and

(b) The event for which the class I license will be used is hosted by a member of the class H licensed club.

**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 page 1, line 1 of the title, after "licenses;" strike the remainder of the title and insert "amending RCW 66.04.010, 66.24.370, and 66.24.490; adding a new section to chapter 66.16 RCW; adding new sections to chapter 66.24 RCW; and declaring an emergency."

Signed by: Senators Warnke, Newhouse, Vognild; Representatives Wang, Cole, Walker.

#### MOTION

On motion of Senator Vognild, the Report of the Conference Committee on Substitute House Bill No. 1158 was adopted and the committee was granted the powers of Free Conference.

There being no objection, the Senate resumed consideration of Substitute House Bill No. 773, and the pending motion by Senator Halsan to adopt the Report of the Conference Committee and grant the powers of Free Conference, deferred earlier today.

#### RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Rasmussen, the President finds that Substitute House Bill No. 773 is a measure allowing county auditors to investigate and cancel invalid voter registrations.

"The amendments proposed by the Conference Committee, among other things, provide for the implementation of a voter registration by mail program through the county auditors.

"The President, therefore, finds that the proposed amendments do change the scope and object of the bill and that the point of order is well taken."

The amendments by the Conference Committee on Substitute House Bill No. 773 were ruled out of order.

Debate ensued.

#### MOTIONS

On motion of Senator Halsan, the motion to adopt the Report of the Conference Committee and to grant the powers of Free Conference on Substitute House Bill No. 773 was withdrawn.

On motion of Senator Halsan, Substitute House Bill No. 773 was referred to the Conference Committee.

#### REPORT OF CONFERENCE COMMITTEE

RE: SHB 782

Changing reporting requirements for lobbyists.

April 23, 1987

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom the above measure was referred, have had the same under consideration and we recommend the following:

The Senate Judiciary Committee amendment be adopted to page 4, line 14, after "rules, striking "For each registered" through "purposes," on line 19

and the following referenced Senate amendments NOT BE ADOPTED:

On page 4, after line 20;

On page 4, after line 20; and

The three title amendments to page 1

Signed by: Senators Bottiger, Fleming; Representatives Fisher, Fisch, Sanders.

#### MOTION

Senator Talmadge moved that the Report of the Conference Committee on Substitute House Bill No. 782 be adopted.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Talmadge to adopt the Report of the Conference Committee on Substitute House Bill No. 782.

The motion by Senator Talmadge carried and the Report of the Conference Committee on Substitute House Bill No. 782 was adopted.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 782, as recommended by the Conference Committee.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 782, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 43; nays, 5; absent, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 43.

Voting nay: Senators Craswell, McCaslin, Metcalf, Moore, Nelson - 5.

Absent: Senator Deccio - 1.

SUBSTITUTE HOUSE BILL NO. 782, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### REPORT OF CONFERENCE COMMITTEE

RE: HB 698

Authorizing collection by county treasurers of various local government charges.

April 23, 1987

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom the above measure was referred, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the measure as follows:

Strike everything after the enacting clause and insert the following:

\*NEW SECTION, Sec. 1. A new section is added to chapter 84.56 RCW to read as follows:

A local government authorized both to impose and to collect any special assessments, excise taxes, or rates or charges may contract with the county treasurer or treasurers within which the local government is located to collect the special assessments, excise taxes, rates, or charges. If such a contract is entered into, notice of the special assessments, excise taxes, or rates or charges due may be included on the notice of property taxes due, may be included on a separate notice that is mailed with the notice of property taxes due, or may be sent separately from the notice of property taxes due. County treasurers may impose an annual fee for collecting special assessments, excise taxes, or rates or charges not to exceed one percent of the dollar value of special assessments, excise taxes, or rates or charges collected.

Sec. 2. 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 and except annual community celebration events if the proceeds of the events are used exclusively for the purposes for which the nonprofit organization, association, or corporation is organized, 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.

Sec. 3. Section 7, chapter 40, Laws of 1973 2nd ex. sess. as last amended by section 7, chapter 220, Laws of 1984 and RCW 84.36.805 are each amended to read as follows:

In order to be exempt pursuant to RCW 84.36.030, 84.36.035, 84.36.037, 84.36.040, 84.36.045, 84.36.047, 84.36.050, 84.36.060, 84.36.350, and 84.36.480, the nonprofit organizations, associations or corporations shall satisfy the following conditions:

(1) The property is used exclusively for the actual operation of the activity for which exemption is granted and does not exceed an amount reasonably necessary for that purpose, except:

(a) The loan or rental of the property does not subject the property to tax if:

(i) Except for the exemption under RCW 84.36.037, the rents and donations received for the use of the portion of the property are reasonable and do not exceed the maintenance and operation expenses attributable to the portion of the property loaned or rented; and

(ii) Except for the exemption under RCW 84.36.037, the property would be exempt from tax if owned by the organization to which it is loaned or rented;

(b) The use of the property for fund-raising activities does not subject the property to tax if the fund-raising activities are consistent with the purposes for which the exemption is granted;

(2) The property is irrevocably dedicated to the purpose for which exemption has been granted, and on the liquidation, dissolution, or abandonment by said organization, association, or corporation, said property will not inure directly or indirectly to the benefit of any shareholder or individual, except a nonprofit organization, association, or corporation which too would be entitled to property tax exemption: PROVIDED, That the provision of this subsection shall not apply to those qualified for exemption pursuant to RCW 84.36.040 if the property used for the purpose stated is either leased or rented;

(3) The facilities and services are available to all regardless of race, color, national origin or ancestry;

(4) The organization, association, or corporation is duly licensed or certified where such licensing or certification is required by law or regulation;

(5) Property sold to organizations, associations, or corporations with an option to be repurchased by the seller shall not qualify for exempt status;

(6) The director of the department of revenue shall have access to its books in order to determine whether such organization, association, or corporation is exempt from taxes within the intent of RCW 84.36.030, 84.36.035, 84.36.037, 84.36.040, 84.36.045, 84.36.047, 84.36.050, 84.36.060, 84.36.350, and 84.36.480.

Sec. 4. Section 84.56.230, chapter 15, Laws of 1961 as amended by section 1, chapter 43, Laws of 1973 1st ex. sess. and RCW 84.56.230 are each amended to read as follows:

On the first day of each month the county treasurer shall distribute pro rata, according to the rate of levy for each fund, the amount collected as consolidated tax during the preceding month, and shall certify the same to the county auditor: PROVIDED, HOWEVER, That the county treasurer, at his option, may distribute the total amount of such taxes collected according to the ratio that the levy of taxes made for each taxing district in the county bears to such total amount collected. On or before the tenth day of each month the county treasurer shall turn over to the respective city treasurers the cities' pro rata share of all taxes collected for the previous month and take receipts therefor in duplicate, and shall certify to the city comptroller or other accounting officer of each such city the amount of such taxes so collected and turned over, and shall deliver with such certificate one copy of the receipt of the city treasurer therefor. All taxes shall be distributed and disbursed under this section and RCW 84.56.280 without interest.

Sec. 5. Section 36.29.020, chapter 4, Laws of 1963 as last amended by section 7, chapter 177, Laws of 1984 and RCW 36.29.020 are each amended to read as follows:

(1) The county treasurer shall keep all moneys belonging to the state, or to any county, in his or her own possession until disbursed according to law. The county treasurer shall not place

the same in the possession of any person to be used for any purpose; nor shall he or she loan or in any manner use or permit any person to use the same; but it shall be lawful for a county treasurer to deposit any such moneys in any regularly designated qualified public depository. Any municipal corporation may by action of its governing body authorize any of its funds which are available in its treasury for expenditure but are not required for immediate expenditure, ((and which are in the custody of the county treasurer or other municipal corporation treasurer:)) to be invested or deposited by such treasurer in ((savings or time accounts in designated qualified public depositories or in 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, in bankers' acceptances purchased on the secondary market, 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 or deposit such funds or any portion thereof in investment deposits as defined in RCW 39.58.010 secured by collateral in accordance with the provisions of chapter 39.58 RCW)) investments or deposits authorized under RCW 43.84.080 and chapter 39.58 RCW in which the state treasurer may invest or deposit public moneys: PROVIDED, Five percent of the interest or earnings, with an annual maximum of fifty dollars, on any transactions authorized by each resolution of the governing body shall be paid as an investment service fee to the office of the county treasurer or other municipal corporation treasurer when the interest or earnings become available to the governing body: PROVIDED FURTHER, That if such investment service fee amounts to five dollars or less the county treasurer or other municipal corporation treasurer may waive such fee.

(2) Whenever the funds of any municipal corporation which are not required for immediate expenditure are in the custody or control of the county treasurer, and the governing body of such municipal corporation has not taken any action pertaining to the investment of any such funds, the county finance committee shall direct the county treasurer to invest or deposit, to the maximum prudent extent, such funds or any portion thereof, as well as any other funds in the county treasury, in ((savings or time accounts in designated qualified public depositories or in 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, in bankers' acceptances purchased on the secondary market, 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 or deposit such funds or any portion thereof in investment deposits as defined in RCW 39.58.010 secured by collateral in accordance with the provisions of chapter 39.58 RCW)) investments or deposits authorized under RCW 43.84.080 and chapter 39.58 RCW in which the state treasurer may invest or deposit state moneys: PROVIDED, That the county treasurer shall have the power to select the specific qualified financial institution in which said funds may be invested. The interest or other earnings from such investments or deposits shall be deposited in the current expense fund of the county and may be used for general county purposes. The investment or deposit and disposition of the interest or other earnings therefrom authorized by this paragraph shall not apply to such funds as may be prohibited by the state Constitution from being so invested or deposited.

NEW SECTION, Sec. 6. A new section is added to chapter 36.29 RCW to read as follows:

The county treasurer may deduct the amounts necessary to reimburse the treasurer's office for the actual expenses the office incurs and to repay any county funds appropriated and expended for the initial administrative costs of establishing a county investment pool provided in RCW 36.29.022. Any credits or payments to political subdivisions shall be calculated and made in a manner which equitably reflects the differing amounts of the political subdivision's respective deposits in the county investment pool and the differing periods of time for which the amounts were placed in the county investment pool."

On page 1, line 1 of the title, after "treasurers;" strike the remainder of the title and insert "amending RCW 84.36.037, 84.36.805, 84.56.230, and 36.29.020; adding a new section to chapter 84.56 RCW; and adding a new section to chapter 36.29 RCW."

Signed by: Senators Halsan, Zimmerman, DeJarnatt; Representatives Haugen, Nutley, L. Smith.

#### MOTION

Senator Halsan moved that the Report of the Conference Committee on House Bill No. 698 be adopted and the committee be granted the powers of Free Conference.

## POINT OF ORDER

Senator Garrett: "Mr. President and members of the Senate, I want to challenge the scope and object of the proposed conference report. Mr. President, I would like to call your attention to Article 2, Section 19 and Article 2, Section 37 of the Constitution, as well as, Rule 8 of the 1987-88 Rules. They all refer to the subject matter of what legislation on a bill or conference report does--has got to be in compliance with the title. You will notice that the title of this bill--698--is an act relating to collection by county treasurers and adding a new section.

"Now, what the bill was intended to do was to allow cities to enter into contracts with the county treasurer to collect special assessments or any other fees that they have. The conference report proposes to take up the matter of meeting places that are exempt from taxation and so it goes into the properties and what kind can be exempt from taxation. It also goes into another matter that we tried to put in House Bill No. 1129 which says, 'all taxes distributed shall be disbursed without any interest.' So, there are nine additional pages, Mr. President, and I would certainly request you to look at these very carefully as to scope and object."

Debate ensued.

There being no objection, the President deferred further consideration of House Bill No. 698.

## MESSAGE FROM THE HOUSE

April 23, 1987

Mr. President:

The House refuses to grant the request of the Senate for a conference on HOUSE BILL NO. 64, insists on its position regarding the Senate amendments, and again asks the Senate to recede therefrom, and the same is herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

## MOTION

On motion of Senator Moore, the Senate insists on its position regarding the Senate amendments to House Bill No. 64 and once again asks the House for a conference thereon.

## MESSAGE FROM THE HOUSE

April 24, 1987

Mr. President:

The House refuses to recede from its amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 5071 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Rust, Jesernig and Walker.

SHARON L. CASE, Assistant Chief Clerk

## MOTION

On motion of Senator Vognild, the Senate granted the request of the House for a conference on Engrossed Substitute Senate Bill No. 5071 and the House amendments thereto.

The President announced that the conferees to Engrossed Substitute Senate Bill No. 5071 would be appointed at a later time.

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

## SECOND READING

SENATE BILL NO. 5901, by Senator McDermott

Relating to fiscal matters.

The bill was read the second time.

## POINT OF ORDER

Senator Rasmussen: "Mr. President, I would like to raise the point of order that I can't see where Senate Bill No. 5901 is properly before this body. It doesn't implement the budget and that's the only excuse for something like a bill to come up at this late date. I think it's very clearly out of order with our cut-off rules."

## MOTION

On motion of Senator Rasmussen, further consideration of Senate Bill No. 5901 was deferred.

## SECOND READING

ENGROSSED HOUSE BILL NO. 831, by Representatives Leonard, Madsen and Hankins

Increasing retained percentage for horse racing commission from specified races.

The bill was read the second time.

## POINT OF ORDER

Senator Metcalf: "Mr. President, I raise the point of order as to whether this bill is properly before us because of the cut-off."

Debate ensued.

## MOTION

On motion of Senator Vognild, further consideration of Engrossed House Bill No. 831 was deferred.

## MOTION

At 7:52 p.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 8:28 p.m. by President Cherberg.

There being no objection, the Senate resumed consideration of Senate Bill No. 5901, deferred earlier today.

## RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Rasmussen, the President finds that Senate Bill No. 5901 is a measure expanding the borrowing power of the Washington State Convention and Trade Center, increasing the leasing capacity of the convention center board, directing the Joint Select Committee on the Convention Center to consider alternative governance systems and appropriating \$63,040,000 to the convention center board from the state convention center account.

"The President further finds that House Bill No. 527, the budget, does include an appropriation for the convention center. However, Senate Bill No. 5901 is not referenced in that appropriation, nor is it necessary to implement that appropriation.

"The President does not believe that Senate Bill No. 5901 is necessary to implement the budget as provided in Senate Concurrent Resolution No. 8402, the cut-off resolution. Therefore, Senate Bill No. 5901 is not properly before the Senate and the point of order is well taken."

SENATE BILL NO. 5901 was ruled out of order.

There being no objection, the Senate resumed consideration of Engrossed House Bill No. 831, deferred on second reading earlier today.

## RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Metcalf, the President finds that Engrossed House Bill No. 831 is a measure increasing the percentage of the gross receipts from exotic races which the Horse Racing Commission may retain and adding four nonvoting legislative members to the commission.

"The President further finds that Engrossed House Bill No. 831 is referenced in House Bill No. 527, the budget, and is necessary to implement the budget as provided by Senate Concurrent Resolution No. 8402, the cut-off resolution. Therefore, Engrossed House Bill No. 831 is properly before the Senate and the point of order is not well taken."

ENGROSSED HOUSE BILL NO. 831 was ruled to be properly before the Senate.

#### MOTION

On motion of Senator Warnke, the rules were suspended, Engrossed House Bill No. 831 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 831.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 831 and the bill passed the Senate by the following vote: Yeas, 36; nays, 12; absent, 1.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Kiskaddon, Lee, McCaslin, McDermott, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Wojahn - 36.

Voting nay: Senators Anderson, Bailey, Bluechel, Cantu, Craswell, Johnson, Kreidler, McDonald, Metcalf, Rinehart, Williams, Zimmerman - 12.

Absent: Senator Deccio - 1.

ENGROSSED HOUSE BILL NO. 831, having received the 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

At 8:37 p.m., on motion of Senator Vognild, the Senate adjourned until 9:00 a.m., Saturday, April 25, 1987.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.



## ONE HUNDRED-FOURTH DAY

---

### MORNING SESSION

---

Senate Chamber, Olympia, Saturday, April 25, 1987

The Senate was called to order at 9:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Bender, Lee, McDermott, Patterson, Pullen, Warnke and West.

The Sergeant at Arms Color Guard, consisting of Pages Angela Wilson and Chris Williams, presented the Colors. Reverend Dennis Hartsook, pastor of St. Mark Lutheran Church of Olympia, offered the prayer.

#### MOTION

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

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

#### SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENT

#### MOTION

On motion of Senator Hansen, Gubernatorial Appointment No. 9009, Governor Albert D. Rosellini, as a member of the Transportation Commission, was confirmed.

#### APPOINTMENT OF GOVERNOR ALBERT D. ROSELLINI

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 42; absent, 7.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Peterson, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Williams, Wojahn, Zimmerman - 42.

Absent: Senators Bender, Lee, McDermott, Patterson, Pullen, Warnke, West - 7.

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

#### MESSAGE FROM THE HOUSE

April 24, 1987

Mr. President:

The House has receded from its amendments to SUBSTITUTE SENATE BILL NO. 5977 and has passed the bill without the House amendments, and the same are herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

#### MESSAGE FROM THE HOUSE

April 24, 1987

Mr. President:

The House has receded from its amendments to SUBSTITUTE SENATE BILL NO. 5622 and has passed the bill without the House amendments, and the same are herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

#### REPORT OF CONFERENCE COMMITTEE

RE: 2SHB 569

Establishing the Washington wine commission.

April 23, 1987

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom the above measure was referred, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the measure as follows:

The Senate Ways and Means Committee amendment be adopted with the following changes:

On page 5 of the Senate Ways and Means Committee amendment, line 30, after "Each" insert "voting member, except the member holding position eleven."

On page 6 of the Senate Ways and Means Committee amendment, line 19, after "the" strike "at large" and insert "wine wholesaler"

On page 17 of the Senate Ways and Means Committee amendment, line 14, after "1987," insert "Such additional tax shall cease to be imposed on July 1, 1993."

Signed by: Senators Hansen, Benitz, Kreidler; Representatives Grimm, Rayburn, Doty.

## MOTION

On motion of Senator Hansen, the Report of the Conference Committee on Second Substitute House Bill No. 569 was adopted and the committee was granted the powers of Free Conference.

## REPORT OF CONFERENCE COMMITTEE

RE: HB 707

Increasing the goals and duties of the Washington conservation corps.

April 22, 1987

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom the above measure was referred, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the measure as follows:

The Senate Parks and Ecology Committee amendment as amended be adopted with the following changes:

On page 4, line 5, of the Senate Parks and Ecology Committee amendment, strike "Recruitment" and insert "Up to fifteen percent of funds spent for recruitment"

Signed by: Senators Rinehart, Tanner, Bluechel; Representatives Vekich, Sayan, Beck.

## MOTION

On motion of Senator Vognild, the Report of the Conference Committee on House Bill No. 707 was adopted and the committee was granted the powers of Free Conference.

## SECOND REPORT OF CONFERENCE COMMITTEE

RE: SHB 773

Allowing county auditors to investigate and cancel invalid voter registration.

April 23, 1987

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom the above measure was referred, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the measure as follows:

That the Senate amendments to page 1, line 19, and page 2, line 7, be adopted, and the bill be further amended as follows:

On page 1, line 24, strike "forty-fifth" and insert "sixtieth"

On page 2, line 1, strike "forty-five" and insert "sixty"

Signed by: Senators Halsan, Pullen, Rinehart; Representatives Fisher, Pruitt, Sanders.

## MOTION

On motion of Senator Halsan, the Second Report of the Conference Committee on Substitute House Bill No. 773 was adopted and the committee was granted the powers of Free Conference.

There being no objection, the Senate resumed consideration of House Bill No. 698 and the pending motion by Senator Halsan to adopt the Report of the Conference Committee and to grant powers of Free Conference, deferred April 24, 1987.

## RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Garrett, the President finds that House Bill No. 698 is a measure allowing county treasurers to collect certain taxes and assessments for other local governments.

"The amendments proposed by the Conference Committee allow county treasurers to collect certain taxes and assessments for other local governments, exempts certain community celebrations from property taxation, allows county treasurers to invest in the same investment as the state treasurer, allows county treasurers to include costs of creating local government investment pools in the initial investment fees, and allows county treasurers to retain certain interest on property tax collections.

"The President, therefore, finds that the proposed amendments do change the scope and object of the bill and that the point of order is well taken."

The amendments by the Conference Committee on House Bill No. 698 were ruled out of order.

## MOTIONS

On motion of Senator Halsan, the motion to adopt the Report of the Conference Committee and to grant the powers of Free Conference on House Bill No. 698 was withdrawn.

On motion of Senator Halsan, House Bill No. 698 was referred to the Conference Committee.

## MESSAGE FROM THE HOUSE

April 24, 1987

Mr. President:

The House has adopted the Report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 5058 and has granted said committee the powers of Free Conference, and the Report of the Conference Committee is herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

## REPORT OF CONFERENCE COMMITTEE

RE: SSB 5058

Strengthening authority of the Legislature over agency rule-making.

April 23, 1987

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom the above measure was referred, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the measure as follows:

On page 1 of the House committee amendment, strike everything beginning with line 6 through page 6, line 16 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. The notice shall be given at least seven days prior to any hearing scheduled for consideration of 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. When the agency holds a hearing on the proposed rule, the agency shall 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, and issuances that are of general applicability, or their equivalents to determine whether or not an agency has failed to adopt a rule as defined in 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 is using a policy statement, guideline, or issuance in place of a rule, 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))~~ rules review committee's finding 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 (a) whether the rule in question is within the intent of the legislature as expressed by the statute which the rule implements ~~((and)),~~ (b) whether the rule was adopted in accordance with all applicable provisions of law, or (c) whether the agency is using a policy statement, guideline, or issuance in place of a rule.

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 committee finding of the agency's 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~~((:))~~: (a) That the proposed or existing rule in question has not been modified, amended, withdrawn, or repealed by the agency so as to conform with the intent of the legislature, or (b) that the agency is using a policy statement, guideline, or issuance in place of a rule, 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 regular legislative session.

(4) The code reviser shall publish transmittals from the rules review committee ~~((s 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:

~~((3))~~ 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.)"~~

In 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: Senators Halsan, Deccio, Kreidler; Representatives Sommers, Hankins, Peery.

#### MOTION

On motion of Senator Vognild, the Report of the Conference Committee on Substitute Senate Bill No. 5058 was adopted and the committee was granted the powers of Free Conference.

#### MESSAGE FROM THE HOUSE

April 24, 1987

Mr. President:

The House has adopted the Report of the Conference Committee on ENGROSSED HOUSE BILL NO. 435 and has granted said committee the powers of Free Conference, and the Report of the Free Conference Committee is herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

#### REPORT OF FREE CONFERENCE COMMITTEE

RE: EHB 435

Revising provisions on inactive real estate licenses.

April 23, 1987

Mr. President:

Mr. Speaker:

We of your Free Conference Committee, to whom the above measure was referred, have had the same under consideration and we recommend that the measure be amended as proposed under the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on Engrossed House Bill No. 435, read in on April 24, 1987.)

Signed by: Senators Warnke, Tanner; Representatives Wang, Cole, Patrick.

#### MOTION

Senator Vognild moved that the Report of the Free Conference Committee on Engrossed House Bill No. 435 be adopted.

#### POINT OF ORDER

Senator McCaslin: "Mr. President, I raise the point of order that the Free Conference Committee Report exceeds the scope and object of the bill. Engrossed House Bill No. 435 revises the provisions on inactive real estate licenses. If you look on page 7, Mr. President, we are talking about business professions and in that section they cover business professions from architects, cosmetologists, plumbers and other items, therefore, I think that exceeds the scope and object."

Further debate ensued.

There being no objection, the President deferred further consideration of the Report of the Conference Committee on Engrossed House Bill No. 435.

There being no objection, the Senate resumed consideration of Engrossed Substitute Senate Bill No. 5071, deferred April 24, 1987, after the Senate granted the request of the House for a conference thereon.

#### APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute Senate Bill No. 5071 and the House amendments thereto: Senators Kreidler, Bluechel and Bottiger.

#### MOTION

On motion of Senator Vognild, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

April 22, 1987

Mr. President:

The House refuses to recede from its amendments to ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5441 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Wang, Sayan and Patrick.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Vognild, the Senate granted the request of the House for a conference on Engrossed Second Substitute Senate Bill No. 5441 and the House amendments thereto.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Second Substitute Senate Bill No. 5441 and the House amendments thereto: Senators Warnke, Anderson, Smitherman.

## MOTION

On motion of Senator Vognild, the Conference Committee appointments were confirmed.

## SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 24,  
 SUBSTITUTE HOUSE BILL NO. 80,  
 HOUSE BILL NO. 94,  
 SUBSTITUTE HOUSE BILL NO. 168,  
 SUBSTITUTE HOUSE BILL NO. 341,  
 SUBSTITUTE HOUSE BILL NO. 388,  
 HOUSE BILL NO. 396,  
 SUBSTITUTE HOUSE BILL NO. 476,  
 HOUSE BILL NO. 549,  
 HOUSE BILL NO. 701,  
 HOUSE BILL NO. 748,  
 SUBSTITUTE HOUSE BILL NO. 790,  
 HOUSE BILL NO. 795,  
 SUBSTITUTE HOUSE BILL NO. 876,  
 SUBSTITUTE HOUSE BILL NO. 920,  
 SUBSTITUTE HOUSE BILL NO. 928,  
 SUBSTITUTE HOUSE BILL NO. 982,  
 SUBSTITUTE HOUSE BILL NO. 995,  
 SUBSTITUTE HOUSE BILL NO. 1012,  
 SUBSTITUTE HOUSE BILL NO. 1065,  
 HOUSE BILL NO. 1087,  
 SUBSTITUTE HOUSE BILL NO. 1098,  
 SUBSTITUTE HOUSE BILL NO. 1132,  
 HOUSE BILL NO. 1137.

## MESSAGE FROM THE HOUSE

April 17, 1987

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 5546 with the following amendments:

Strike everything after the enacting clause and insert the following:

\*Sec. 1. Section 5, chapter 257, Laws of 1986 and RCW 9A.36.021 are each amended to read as follows:

(1) A person is guilty of assault in the second degree if he or she, under circumstances not amounting to assault in the first degree:

(a) Intentionally assaults (~~another~~) a person less than twelve years of age and thereby inflicts substantial bodily harm; or

(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

(c) Knowingly inflicts substantial bodily harm upon another with or without a weapon; or

(d) Knowingly assaults another with a deadly weapon; or

((c)) (e) With intent to inflict bodily harm, administers to or causes to be taken by another, poison or any other destructive or noxious substance; or

((d)) (f) With intent to commit a felony, assaults another.

(2) Assault in the second degree is a class B felony.

Sec. 2. 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))~~ any loss or impairment of the function of any bodily part or organ, or ~~((which causes))~~ a fracture of any bodily part, or substantial pain, whether such substantial bodily harm is temporary or permanent;

(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) "Substantial pain" means serious physical pain extending for a period of time long enough to cause considerable suffering. The pain shall be the result of an actual injury capable of causing serious physical pain;

(26) "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))~~ (27) "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))~~ (28) 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.

Sec. 3 Section 12, chapter 257, Laws of 1986 (uncodified) is amended to read as follows:

Sections 3 through 10 of this act shall take effect on ~~(July 1, 1987)~~ November 1, 1988.

NEW SECTION. Sec. 4. (1) The legislature finds that current statutes and proposals for change regarding the crime of assault are in need of careful review. Therefore, it is the intent of the legislature to delay the implementation of changes in the assault statutes in order to provide for a comprehensive examination of the current law and the desirability of amendment.

(2) There is created the assault law review commission. The commission shall consist of the following members:

(a) Three judges from courts of record appointed by the chief justice of the state supreme court;

(b) Three representatives from law schools in the state appointed by the governor;

(c) Two representatives from among the county prosecutors in the state appointed by the governor;

(d) Two representatives from the legal profession with experience in criminal defense appointed by the governor;

(e) Two state representatives, one from each caucus of the house of representatives, appointed by the speaker of the house;

(f) Two state senators, one from each caucus of the senate, appointed by the president of the senate.

(3) The commission shall, as part of its comprehensive review of the assault laws, consider the advisability of separate assault provisions regarding minors and of providing a statutory definition or definitions of "assault." The commission shall consult with members of the public and interested groups, including but not limited to law enforcement and crime victims. The commission shall report its findings and recommendations to the legislature by December 1, 1987.

(4) Staffing for the commission shall be provided by the house of representatives and the senate. Legislative members of the commission shall be reimbursed for their travel expenses in accordance with RCW 44.04.060. Other members of the commission shall be reimbursed jointly by the house of representatives and the senate for their travel expenses on the same basis as is provided for in RCW 43.03.050 and 43.03.060.

(5) This section shall expire December 15, 1987.

NEW SECTION. Sec. 5. Sections 3 and 4 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. The remainder of this act shall take effect November 1, 1988."

On page 1, line 1 of the title, after "assault;" strike the remainder of the title and insert "amending RCW 9A.36.021 and 9A.04.110; amending section 12, chapter 257, Laws of 1986 (uncodified); creating a new section; providing an effective date; and declaring an emergency."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

On motion of Senator Talmadge, the Senate refuses to concur in the House amendments to Engrossed Senate Bill No. 5546 and asks the House to recede therefrom.

#### MOTION

On motion of Senator Zimmerman, Senators Bluechel and Pullen were excused.

#### MESSAGE FROM THE HOUSE

April 17, 1987

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 6033 with the following amendment:

On page 1, beginning on line 9 after "use," strike everything through "warehoused" on line 10 and insert "if those hops have been processed into extract, pellets, or powder",

and the bill and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

On motion of Senator Newhouse, the Senate concurred in the House amendment to Substitute Senate Bill No. 6033.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 6033, as amended by the House.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 6033, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; absent, 2; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 45.

Absent: Senators Johnson, McDermott - 2.

Excused: Senators Bluechel, Pullen - 2.

SUBSTITUTE SENATE BILL NO. 6033, 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 HOUSE

April 24, 1987

Mr. President:

The House has adopted the Report of the Conference Committee on SUBSTITUTE HOUSE BILL NO. 116 and has granted said committee the powers of Free Conference. The Report of the Free Conference Committee is herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

#### REPORT OF FREE CONFERENCE COMMITTEE

RE: SHB 116

Modifying procedures for administrative approval of plats.

April 23, 1987

Mr. President:

Mr. Speaker:

We of your Free Conference Committee, to whom the above measure was referred, have had the same under consideration and we recommend that the measure be amended as proposed under the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on Substitute House Bill No. 116, read in on April 24, 1987.)

Signed by: Senators Halsan, McCaslin, Rasmussen; Representatives Haugen, Nutley, L. Smith.

#### MOTION

On motion of Senator Halsan, the Report of the Free Conference Committee on Substitute House Bill No. 116 was adopted.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 116, as amended by the Free Conference Committee.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 116, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Absent: Senator McDermott - 1.

Excused: Senator Pullen - 1.

SUBSTITUTE HOUSE BILL NO. 116, as amended by the Free Conference Committee, having received the 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 HOUSE

April 24, 1987

Mr. President:

The House has adopted the Report of the Conference Committee on HOUSE BILL NO. 135 and has granted said committee the powers Free Conference. The Report of the Free Conference Committee is herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

#### REPORT OF FREE CONFERENCE COMMITTEE

RE: HB 135

Changing provisions relating to the Western Library Network.

April 22, 1987

Mr. President:

Mr. Speaker:

We of your Free Conference Committee, to whom the above measure was referred, have had the same under consideration and we recommend that the measure be amended as proposed under the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on House Bill No. 135, read in on April 24, 1987.)

Signed by: Senators DeJarnatt, Zimmerman, Halsan; Representatives Peery, Sommers, Hankins.

#### MOTION

On motion of Senator Halsan, the Report of the Free Conference Committee on House Bill No. 135 was adopted.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 135, as amended by the Free Conference Committee.

## ROLL CALL

The Secretary called the roll on final passage of House Bill No. 135, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Absent: Senator McDermott - 1.

Excused: Senator Pullen - 1.

HOUSE BILL NO. 135, as amended by the Free Conference Committee, having received the 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 HOUSE

April 24, 1987

Mr. President:

The House has adopted the Report of the Conference Committee on SUBSTITUTE HOUSE BILL NO. 364 and has granted said committee the powers of Free Conference. The Report of the Free Conference Committee is herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

## REPORT OF FREE CONFERENCE COMMITTEE

RE: SHB 364

Changing provisions relating to contractor registration and disclosure.

April 21, 1987

Mr. President:

Mr. Speaker:

We of your Free Conference Committee, to whom the above measure was referred, have had the same under consideration and we recommend that the measure be amended as proposed under the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on Substitute House Bill No. 364, read in on April 24, 1987.)

Signed by: Senators Warnke, Lee, Smitherman; Representatives Wang, Cole, Patrick.

## MOTION

On motion of Senator Smitherman, the Report of the Free Conference Committee on Substitute House Bill No. 364 was adopted.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 364, as amended by the Free Conference Committee.

Debate ensued.

## ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 364, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 34; nays, 13; absent, 1; excused, 1.

Voting yea: Senators Anderson, Bailey, Bauer, Bender, Cantu, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, Metcalf, Moore, Nelson, Owen, Patterson, Peterson, Rinehart, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 34.

Voting nay: Senators Barr, Benitz, Bluechel, Bottiger, Craswell, Deccio, Hayner, McCaslin, McDonald, Newhouse, Rasmussen, Saling, Zimmerman - 13.

Absent: Senator McDermott - 1.

Excused: Senator Pullen - 1.

SUBSTITUTE HOUSE BILL NO. 364, as amended by the Free Conference Committee, having received the 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 HOUSE

April 24, 1987

Mr. President:

The House has adopted the Report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 5838 and has granted said committee the powers of Free Conference. The Report of the Conference Committee is herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

## REPORT OF CONFERENCE COMMITTEE

RE: ESSB 5838

Regulating sales of health studio memberships.

April 23, 1987

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom the above measure was referred, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the measure as follows:

Adopt the House Commerce and Labor Committee striking amendment as amended by the House amendments by Representative Wang on page 8, line 32; page 9, after line 5; page 6, line 22; page 6, after line 33; Further amend the committee striking amendment as follows:

On page 2, line 29, after "habits;" strike "and"

On page 2, line 36, after "corporation" insert "; and (f) a preexisting facility primarily offering aerobic classes, where the initiation fee is less than fifty dollars and no memberships are sold which exceed one year in duration. For purposes of this subsection, "preexisting facility" means an existing building used for health studio services covered by the fees collected"

On page 3, line 9, after "activity;" insert "or"

On page 3, line 12, after "program" strike all material through "less" on line 16

Signed by: Senators Warnke, Lee, Smitherman; Representatives Wang, Patrick, Cole.

## MOTION

On motion of Senator Warnke, the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 5838 was adopted and the committee was granted the powers of Free Conference.

There being no objection, the Senate resumed consideration of Engrossed House Bill No. 435 and the pending motion by Senator Vognild to adopt the Report of the Free Conference Committee, deferred earlier today.

## RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator McCaslin, the President finds that Engrossed House Bill No. 435 is a measure revising provisions on inactive real estate licenses.

"The amendments proposed by the Free Conference Committee revise provisions on inactive real estate licenses and modify provisions relating to the regulation of certain provisions.

"The President, therefore, finds that the proposed amendments do change the scope and object of the bill and that the point of order is well taken."

The Report of the Free Conference Committee on Engrossed House Bill No. 435 was ruled out of order.

## MOTIONS

On motion of Senator Vognild, the motion to adopt the Report of the Free Conference Committee on Engrossed House Bill No. 435 was withdrawn.

On motion of Senator Vognild, Engrossed House Bill No. 435 was referred to the Free Conference Committee.

## MESSAGE FROM THE HOUSE

April 24, 1987

Mr. President:

The House concurred in the Senate amendments to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 448, and passed the bill as amended by the Senate.

SHARON L. CASE, Assistant Chief Clerk

## MESSAGE FROM THE HOUSE

April 24, 1987

Mr. President:

The House has adopted the Report of the Free Conference Committee on SUBSTITUTE HOUSE BILL NO. 902 and has passed the bill as amended by the Free Conference Committee.

SHARON L. CASE, Assistant Chief Clerk

## MESSAGE FROM THE HOUSE

April 24, 1987

Mr. President:

The House has adopted the Report of the Free Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 353 and has passed the bill as amended by the Free Conference Committee.

SHARON L. CASE, Assistant Chief Clerk

## MESSAGE FROM THE HOUSE

April 24, 1987

Mr. President:

The House has adopted the Report of the Free Conference Committee on SUBSTITUTE HOUSE BILL NO. 734 and has passed the bill as amended by the Free Conference Committee.

SHARON L. CASE, Assistant Chief Clerk

## MESSAGE FROM THE HOUSE

April 24, 1987

Mr. President:

The House has adopted the Report of the Free Conference Committee on HOUSE BILL NO. 1049 and has passed the bill as amended by the Free Conference Committee.

SHARON L. CASE, Assistant Chief Clerk

## MESSAGE FROM THE HOUSE

April 24, 1987

Mr. President:

The House has adopted the Report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 743 and has passed the bill as recommended by the Conference Committee.

SHARON L. CASE, Assistant Chief Clerk

## MESSAGE FROM THE HOUSE

April 23, 1987

Mr. President:

The House insists on its position regarding the House amendments to SUBSTITUTE SENATE BILL NO. 5978 and once again asks the Senate to concur therein, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTION

Senator Bottiger moved that the Senate do concur in the House amendment to Substitute Senate Bill No. 5978 with the exception of subsection (3) of the amendment on page 1, line 7, and asks the House to recede therefrom.

## POINT OF INQUIRY

Senator Cantu: "Senator Bottiger, I am sorry I did not have time to discuss this with you prior to now. But, I had a question on the effective date. Admittedly, I do not have the background as to how long it might take for people to exhaust their supplies and I am wondering by moving it up, are we going to cause some undue hardship or increase the cost because people are going to have to dump some of the material. I am wondering whether we should stay with the original Senate date, rather than accepting the House date?"

Senator Bottiger: "Senator, the House date--I haven't discussed that issue specifically with them, but, in effect, we are giving them a year to dispose of the stock. I guess what amounts to, dispose of the stock on hand. This is an extremely hazardous material. I don't readily jump through the environmental hoop, but the material that I've looked at and what it does to estuaries and to marine life, this is really potent stuff. We are saying they have another year to pollute the Sound and I'm not sure I want to give them much longer than that."

## POINT OF INQUIRY

Senator Zimmerman: "Senator Bottiger, why would the Department of Agriculture be the enforcing agent?"

Senator Bottiger: "Because it's a pesticide and all of the pesticide laws are delegated to the Department of Agriculture."

The President declared the question before the Senate to be the motion by Senator Bottiger to concur in the House amendments to Substitute Senate Bill No. 5978, with the exception of subsection (3) of the amendment on page 1, line 7, and asks the House to recede therefrom.

The motion by Senator Bottiger carried and the Senate concurred in the House amendments to Substitute Senate Bill No. 5978 with the exception of subsection (3) of the amendment on page 1, line 7, and asks the House to recede therefrom.

## MESSAGE FROM THE HOUSE

April 23, 1987

Mr. President:

The House refuses to concur in the Senate amendments to House Bill No. 10 and asks the Senate to recede therefrom, and the same are herewith transmitted.

## MOTIONS

Senator Vognild moved that the Senate do recede from the its amendments to House Bill No. 10.

On motion of Senator Vognild, the motion to recede from the amendments to House Bill No. 10 was withdrawn.

On motion of Senator Vognild, further consideration of House Bill No. 10 was deferred.

## MESSAGE FROM THE HOUSE

April 21, 1987

Mr. President:

The House refuses to concur in the Senate amendment to House Bill No. 279 and asks the Senate to recede therefrom, and the bill and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTION

Senator Bender moved that the Senate do recede from its amendment to House Bill No. 279.

Debate ensued.

## POINT OF INQUIRY

Senator Hayner: "Senator Bender, this extension of time from ten days to sixty days, was that requested by the Department? Was it because of an administrative problem that they have?"

Senator Bender: "This was a Department request, yes. They felt that the ten day period was too short and there is another law on the books, too, that had a sixty day time period and they wanted to make this in concurrence with that sixty day time period."

#### POINT OF INQUIRY

Senator Deccio: "Senator Bender, the conflict that Senator McCaslin was referring to was the arbitrarily changing--not by anybody in the Legislature I've come to find out--the forty-five days notice was changed to twenty days. We corrected it back to the forty-five days and that has not been disturbed? Is that your understanding?"

Senator Bender: "You are correct."

The President declared the question before the Senate to be the motion by Senator Bender that the Senate recede from its amendment to House Bill No. 279.

The motion by Senator Bender failed.

#### MOTION

Senator Vognild moved that the Senate insist on its position regarding the amendment to House Bill No. 279 and asks the House to concur therein.

Debate ensued.

#### MOTION

On motion of Senator Vognild, the motion to insist on its position regarding the amendment to House Bill No. 279 was withdrawn.

#### MOTION

On motion of Senator Bottiger, the rules were suspended, House Bill No. 279 was returned to second reading and read the second time.

On motion of Senator Bottiger, the following amendment by Senators Bottiger and Talmadge was adopted:

On page 1, line 2, strike "twenty" and insert "thirty"

On motion of Senator Bottiger, the rules were suspended, House Bill No. 279, as amended by the Senate on suspension of the rules, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 279, as amended by the Senate on suspension of the rules.

#### ROLL CALL

The Secretary called the roll on final passage of House Bill No. 279, as amended by the Senate on suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 46; nays, 2; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Voting nay: Senators Garrett, Zimmerman - 2.

Excused: Senator Pullen - 1.

HOUSE BILL NO. 279, as amended by the Senate on suspension of the rules, having received the 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 Senate resumed consideration of House Bill No. 10 and the pending Message from the House, deferred earlier today.

#### MOTION

On motion of Senator McDermott, the Senate receded from its amendments to House Bill No. 10.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 10, without the Senate amendments.

## ROLL CALL

The Secretary called the roll on final passage of House Bill No. 10, without the Senate amendments, and the bill passed the Senate by the following vote: Yeas, 46; absent, 2; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 46.

Absent: Senators Kreidler, Owen - 2.

Excused: Senator Pullen - 1.

HOUSE BILL NO. 10, without the Senate amendments, having received the 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

At 10:27 a.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 11:22 a.m. by President Cherberg.

## MESSAGE FROM THE HOUSE

April 24, 1987

Mr. President:

The House refuses to concur in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 542 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Sutherland, Meyers and Amondson.

SHARON L. CASE, Assistant Chief Clerk

## MOTION

On motion of Senator Vognild, the Senate granted the request of the House for a conference on Substitute House Bill No. 542 and the Senate amendments thereto.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute House Bill No. 542 and the Senate amendments thereto: Senators Owen, Cantu and DeJarnatt.

## MOTION

On motion of Senator Vognild, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

April 23, 1987

Mr. President:

The House refuses to recede from its amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 5479 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Ebersole, Peery and Berozoff.

SHARON L. CASE, Assistant Chief Clerk

## MOTION

On motion of Senator Vognild, the Senate granted the request of the House for a conference on Engrossed Substitute Senate Bill No. 5479 and the House amendments thereto.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute Senate Bill No. 5479 and the House amendments thereto: Senators Gaspard, Bailey and Bauer.



## MOTION

On motion of Senator Vognild, the Conference Committee appointments were confirmed.

## REPORT OF CONFERENCE COMMITTEE

RE: SHB 738

Transferring functions of corrections standards board to other state agencies.

April 24, 1987

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom the above measure was referred, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the measure as follows:

On page 11, line 19, after "1988," insert "Cities and towns shall adopt the standards after considering guidelines establishing collectively by the cities and towns of the state; counties shall adopt the standards after considering guidelines establishing collectively by the counties of the state."

On page 13, after line 12, insert the following:

"Sec. 21. 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 years after July 1, 1981, unless extended by law. The legislative budget committee shall review the board and recommend to the legislature by January of 1987 whether or not the board should be extended~~) on January 1, 1988."

Renumber the sections consecutively and correct internal references accordingly.

On page 13, strike line 20 and renumber the subsections consecutively.

On page 14, line 24, strike "Section 15" and insert "Sections 15 and 21"

On page 14, beginning on line 26, strike "July 1, 1987" and insert "January 1, 1988"

On page 1, line 4 of the title, strike "and 70.48A.040" and insert "70.48A.040, and 72.09.180"

On page 1, line 7 of the title, strike "72.09.180."

Signed by: Senators Wojahn, Anderson, Tanner; Representatives Sommers, Peery, Hankins.

## MOTION

On motion of Senator Vognild, the Report of the Conference Committee on Substitute House Bill No. 738 was adopted and the committee was granted the powers of Free Conference.

## REPORT OF CONFERENCE COMMITTEE

RE: EHB 1034

Establishing the rail development account.

April 24, 1987

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom the above measure was referred, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the measure as follows:

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 within a class AA county, or within a class A county contiguous to a class AA county, or within a second class county contiguous to a class A county that is contiguous to a class AA county is authorized to levy and collect a special excise tax not exceeding ninety-six one-hundredths 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. Any other municipality is authorized to levy and collect a special excise tax not exceeding 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 82.44.070))~~ 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)(c) 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; a sum equal to four and two-tenths percent of the special excise tax levied under RCW 35.58.273 by those municipalities authorized to levy a special excise tax at a rate not exceeding ninety-six one-hundredths of one percent on the fair market value of every motor vehicle owned by a resident of such municipality shall be deposited in the rail

development account established in section 1 of this 1987 act; 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.

(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. 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, strike everything after "account;" and insert "amending RCW 35.58.273; reenacting and amending RCW 82.44.150; adding a new section to Title 47 RCW; providing an effective date; and declaring an emergency."

Signed by: Senators Hansen, Barr, Bender; Representatives Walk, Fisher, Schmidt.

## MOTION

On motion of Senator Vognild, the Report of the Conference Committee on Engrossed House Bill No. 1034 was adopted and the committee was granted the powers of Free Conference.

## REPORT OF CONFERENCE COMMITTEE

RE: ESHB 1035

Creating the rail development commission.

April 24, 1987

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom the above measure was referred, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the measure as follows:

That the Senate Transportation Committee amendment be adopted with the following change:

On page 1 of the Senate Transportation Committee amendment, line 12, after "elected" strike "by"

Signed by: Senators Hansen, Barr, Bender; Representatives Walk, Fisher, Schmidt.

## MOTION

On motion of Senator Vognild, the Report of the Conference Committee on Engrossed Substitute House Bill No. 1035 was adopted and the committee was granted the powers of Free Conference.

## MESSAGE FROM THE HOUSE

April 23, 1987

Mr. President:

The House insists on its position regarding the House amendments to SECOND SUBSTITUTE SENATE BILL NO. 5453 and once again asks the Senate to concur therein, and the same are herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

## MOTION

On motion of Senator Vognild, the Senate refuses to concur in the House amendments to Second Substitute Senate Bill No. 5453 and requests a conference thereon.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Second Substitute Senate Bill No. 5453 and the House amendments thereto: Senators Wojahn, Deccio and Tanner.

## MOTION

On motion of Senator Vognild, the Conference Committee appointments were confirmed.

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

## REPORT OF STANDING COMMITTEE

April 24, 1987

SHB 638 Prime Sponsor, Committee on Transportation: Increasing the fees for driver record abstracts. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Tanner, Vice Chairman; Bender, Conner, DeJarnatt, Halsan, Patterson, Smitherman.

## MOTION

On motion of Senator Vognild, the rules were suspended, Substitute House Bill No. 638 was advanced to second reading and placed on the second reading calendar.

## MOTION

At 11:33 a.m. on motion of Senator Vognild, the Senate recessed until 1:30 p.m.

## AFTERNOON SESSION

The Senate was called to order at 1:30 p.m. by President Cherberg.

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

## MOTION

On motion of Senator Zimmerman, Senator Hayner was excused.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

## MOTION

On motion of Senator Wojahn, Gubernatorial Appointment No. 9116, H. A. "Barney" Goltz, as Chair of the Hospital Commission, was confirmed.

## APPOINTMENT OF H. A. "BARNEY" GOLTZ

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 38; absent, 10; excused, 1.

Voting yeas: Senators Anderson, Bailey, Barr, Bauer, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Halsan, Hansen, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Owen, Pullen, Rasmussen, Rinehart, Saling, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, West, Williams, Wojahn, Zimmerman - 38.

Absent: Senators Bender, Benitz, Gaspard, Kreidler, McDermott, Moore, Patterson, Peterson, Sellar, Warnke - 10.

Excused: Senator Hayner - 1.

## MOTION

On motion of Senator Williams, Gubernatorial Appointment No. 9022, William T. Trulove, as a member of the Pacific Northwest Electric Power and Conservation Planning Council, was confirmed.

## APPOINTMENT OF WILLIAM T. TRULOVE

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 44; absent, 4; excused, 1.

Voting yeas: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Halsan, Hansen, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 44.

Absent: Senators Bender, Gaspard, Kreidler, McDermott - 4.

Excused: Senator Hayner - 1.

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

## MESSAGE FROM THE HOUSE

April 25, 1987

Mr. President:

The House insists on its position regarding the House amendments to ENGROSSED SENATE BILL NO. 5463 and again asks the Senate for a conference thereon, and the same are herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

## MOTION

On motion of Senator Vognild, the Senate granted the request of the House for a conference on Engrossed Senate Bill No. 5463 and the House amendments thereto.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Senate Bill No. 5463 and the House amendments thereto: Senators Fleming, Craswell and Gaspard.

## MOTION

On motion of Senator Vognild, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

April 25, 1987

Mr. President:

The House insists on its position regarding the Senate amendments to SUBSTITUTE HOUSE BILL NO. 63 and again asks the Senate for a conference thereon, and the same are herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

## MOTION

On motion of Senator Vognild, the Senate adhered to its position regarding its amendments to Substitute House Bill No. 63 and once again asks the House to concur therein.

## MESSAGE FROM THE HOUSE

April 25, 1987

Mr. President:

The House has adopted the Report of the Conference Committee on ENGROSSED SENATE BILL NO. 5035 and has granted said committee the powers of Free Conference. The Report of the Conference Committee is herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

## REPORT OF CONFERENCE COMMITTEE

RE: ESB 5035

Extending the interagency committee for outdoor recreation.

April 24, 1987

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom the above measure was referred, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the measure as follows:

On page 1, line 11, of the House State Government Committee amendment, strike "1988" and insert "1989"

On page 1, line 14, of the House State Government Committee amendment, strike "1988" and insert "1989"

Signed by: Senators Kreidler, Rinehart, Kiskaddon; Representatives Sommers, Hankins, Peery.

## MOTION

On motion of Senator Vognild, the Report of the Conference Committee on Engrossed Senate Bill No. 5035 was adopted and the committee was granted the powers of Free Conference.

## MESSAGE FROM THE HOUSE

April 25, 1987

Mr. President:

The House has granted the request of the Senate for a conference on SENATE BILL NO. 5380. The Speaker has appointed the following members as conferees: Representatives Hine, Unsoeld and Silver. The Report of the Conference Committee is herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

## REPORT OF CONFERENCE COMMITTEE

RE: SB 5380

Providing cost-of-living adjustment of retirement benefits.

April 24, 1987

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom the above measure was referred, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the measure as follows:

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.

Sec. 6. Section 6, chapter 151, Laws of 1967 as amended by section 3, chapter 32, Laws of 1973 2nd ex. sess. and RCW 41.32.4931 are each amended to read as follows:

(1) ~~((Any former member of the teachers' retirement system or a former fund who is receiving a retirement allowance for service or disability on July 1, 1967, shall upon application approved by the board of trustees of the retirement system receive a pension of five dollars and fifty cents per month for each year of creditable service established with the retirement system. PROVIDED: That such former members who were retired pursuant to option 2 or option 3 of RCW 41.32.530 shall upon like application receive a pension which is actuarially equivalent under said option to the benefits provided in this section. PROVIDED FURTHER: That))~~ The benefits provided under subsection (2) of this section shall be available only to former members who have reached age sixty-five or are disabled for further public school service and are not receiving federal old age, survivors or disability benefit payments (social security) and are not able to qualify for such benefits ~~(; PROVIDED FURTHER: That anyone qualifying for benefits pursuant to this section shall not receive a smaller pension than he was receiving prior to July 1, 1967)).~~

(2) ~~Effective ((the first day of the month following the effective date of this 1973 amendatory act)) July 1, 1987, former members who ((have qualified for and have been granted benefits under)) receive the minimum retirement allowance provided by RCW 41.32.485(1) and who meet the requirements of subsection (1) of this section shall receive an additional special pension of ((three)) ten dollars per month per year of service credit. ((Such special pension shall be in addition to the minimum pension provided by RCW 41.32.497 and the cost-of-living increases provided under section 9, chapter 189, Laws of 1973 1st ex. sess., RCW 41.32.499.))~~



NEW SECTION. Sec. 7. There is appropriated two hundred thousand dollars, or so much thereof as may be necessary, from the general fund for the teachers' retirement fund for the biennium ending June 30, 1989, for the purposes of section 6 of this act.

NEW SECTION. Sec. 8. 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 sections 1 through 4 of 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. 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 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, 41.40.198, and 41.32.4931; adding a new section to chapter 41.32 RCW; adding a new section to chapter 41.40 RCW; creating a new section; making appropriations; providing an effective date; and declaring an emergency."

Signed by: Senators Gaspard, McDermott, Bailey; Representatives Hine, Unsoeld, Silver.

#### MOTION

On motion of Senator Vognild, the Report of the Conference Committee on Senate Bill No. 5380 was adopted and the committee was granted the powers of Free Conference.

#### MESSAGE FROM THE HOUSE

April 25, 1987

Mr. President:

The House has adopted the Report of the Conference Committee on SENATE BILL NO. 5678 and has granted said committee the powers of Free Conference. The Report of the Conference Committee is herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### REPORT OF CONFERENCE COMMITTEE

RE: SB 5678

Providing for tuition waivers for students in the regional education program for deaf students.

April 24, 1987

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom the above measure was referred, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the measure as follows:

The House Committee amendment be rejected and the Senate Bill be amended further as follows:

On page 2, line 1, of the Senate Bill, after "for" insert "up to forty percent of the"

Signed by: Senators Fleming, Rinehart, Patterson; Representatives Jacobsen, Allen.

#### MOTION

On motion of Senator Vognild, the Report of the Conference Committee on Senate Bill No. 5678 was adopted and the committee was granted the powers of Free Conference.

#### MESSAGE FROM THE HOUSE

April 25, 1987

Mr. President:

The House has adopted the Report of the Conference Committee on ENGROSSED SENATE BILL NO. 6012 and has granted said committee the powers of Free Conference. The Report of the Conference Committee is herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

## REPORT OF CONFERENCE COMMITTEE

RE: ESB 6012

Revising provisions relating to indecent exposure.

April 24, 1987

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom the above measure was referred, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the measure as follows:

On page 4, line 25, of House Floor amendment No. 490, strike "public indecency" and insert "indecent exposure"

Signed by: Senators Moore, Tanner, McCaslin; Representatives Crane, Heavey, L. Smith.

## MOTION

On motion of Senator Vognild, the Report of the Conference Committee on Engrossed Senate Bill No. 6012 was adopted and the committee was granted the powers of Free Conference.

## REPORT OF CONFERENCE COMMITTEE

RE: ESHB 88

Revising provisions governing personal service contracts.

April 25, 1987

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom the above measure was referred, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the measure as follows:

The Senate Governmental Operations Committee striking amendment be adopted with the following changes:

On page 4 of the Senate Governmental Operations Committee amendments, line 10, after "state" insert "which is consistent with RCW 41.06.380";

On page 10 of the Senate Governmental Operations Committee amendments, after line 8, strike all of NEW SECTION. Sec. 9.

On page 10 of the Senate Governmental Operations Committee amendments, after line 30, strike all of NEW SECTION. Sec. 11. and renumber the remaining sections consecutively and correct internal references accordingly

Signed by: Senators Halsan, Zimmerman, Talmadge; Representatives Sommers, Peery, Hankins.

## MOTION

On motion of Senator Vognild, the Report of the Conference Committee on Engrossed Substitute House Bill No. 88 was adopted and the committee was granted the powers of Free Conference.

## REPORT OF CONFERENCE COMMITTEE

RE: ESHB 931

Regulating the possession and distribution of legend drug samples.

April 23, 1987

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom the above measure was referred, have had the same under consideration and we recommend the following:

The Senate Human Services and Corrections Committee amendments be adopted on page 5, line 25, on page 5, line 26, and on page 5, line 28;

The Senate Human Services and Corrections Committee amendment on page 8, after line 29, NOT BE ADOPTED.

Signed by: Senators Wojahn, Tanner, Deccio; Representatives Braddock, Leonard, Brooks.

#### MOTION

On motion of Senator Wojahn, the Report of the Conference Committee on Engrossed Substitute House Bill No. 931 was adopted.

#### MOTION

On motion of Senator Vognild, Senators Bender, Kreidler and McDermott were excused.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 931, as recommended by the Conference Committee.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 931, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 45; absent, 1; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 45.

Absent: Senator Gaspard - 1.

Excused: Senators Bender, Kreidler, McDermott - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 931, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### REPORT OF CONFERENCE COMMITTEE

RE: EHB 713

Revising provisions of debt related securities.

April 24, 1987

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom the above measure was referred, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the measure as follows:

That the Senate Committee on Financial Institutions amendment be adopted with the following exceptions:

On page 19, delete all of NEW SECTION, Sec. 13, and on page 19, line 27 of the title, strike "making an appropriation."

Signed by: Senators Moore, Pullen; Representatives Lux, Crane, Winsley.

#### MOTION

On motion of Senator Vognild, the Report of the Conference Committee on Engrossed House Bill No. 713 was adopted and the committee was granted the powers of Free Conference.

#### MESSAGE FROM THE HOUSE

April 17, 1987

Mr. President:

The House has passed SENATE BILL NO. 5428 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."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

Senator Warnke moved that the Senate do concur in the House amendments to Senate Bill No. 5428.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Warnke that the Senate do concur in the House amendments to Senate Bill No. 5428.

The motion by Senator Warnke carried and the Senate concurred in the House amendments to Senate Bill No. 5428.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5428, as amended by the House.

#### ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5428, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; absent, 1; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJamatt, Fleming, Garrett, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 45.

Absent: Senator Gaspard - 1.

Excused: Senators Bender, Kreidler, McDermott - 3.

SENATE BILL NO. 5428, 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 HOUSE

April 16, 1987

Mr. President:

The House has passed SECOND SUBSTITUTE SENATE BILL NO. 5555 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 intragency 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. All disbursements from the fund are subject to the allotment procedures provided under chapter 43.88 RCW. 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, 1994, as provided in section 24 of this act.

**NEW SECTION.** Sec. 23. (1) The legislative evaluation and accountability program administration (LEAP) shall conduct a comprehensive study of state budgets and expenditures for information systems. The study shall include but need not be limited to:

(a) Estimates, to the extent feasible, of total planned state expenditures by agency for information systems during the 1987-89 biennium, including equipment costs, software costs, numbers and costs of full-time equivalent employees, and consultant costs. The estimates shall include expenditures to be made by agencies pursuant to authority delegated under section 5(2) of this act, as well as expenditures to be made through the services component of the department of information services. If appropriate, expenditures shall be treated as for information system purposes, even if not expressly budgeted as such.

(b) Quarterly reports to legislative fiscal committees during the 1987-89 biennium, which compare actual information system expenditures to estimates determined under subsection (1)(a) of this section.

(c) Reviews of state information systems' budget development and expenditure reporting processes, with an emphasis on developing procedures which will allow accurate comparisons of budgeted costs with actual expenditures.

(d) Reviews of the department of information services rate structures by cost center, including, but not limited to, examination of cost components such as:

- (i) Hardware and software acquisitions;
- (ii) Vendor price performance trends; and
- (iii) Staffing policies.

(2) The office of financial management and the department of information services shall assist LEAP as required to fulfill the purposes of this section.

(3) LEAP shall report any suggested changes in rate structures, budget preparation procedures, appropriation procedures, allotment procedures, or expenditure reporting procedures, including any proposed statutory changes, to the legislative fiscal committees. An initial report shall be made before the first day of the 1988 regular legislative session, and a final report shall be made before the first day of the 1989 regular legislative session.

(4) This section shall expire July 1, 1989.

**NEW SECTION.** Sec. 24. A new section is added to chapter 43.131 RCW to read as follows:

Chapter 43.105 RCW shall expire June 30, 1995.

Section 7 of this act and RCW 41.06---, as now or hereafter amended, are each repealed, effective June 30, 1995.

**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.

**NEW SECTION.** Sec. 26. 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."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

On motion of Senator Halsan, the Senate concurred in the House amendments to Second Substitute Senate Bill No. 5555.

## MOTION

On motion of Senator Bender, Senator Gaspard was excused.

The President declared the question before the Senate to be the roll call on final passage of Second Substitute Senate Bill No. 5555, as amended by the House.

## ROLL CALL

The Secretary called the roll on final passage of Second Substitute Senate Bill No. 5555, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 45.

Excused: Senators Bender, Gaspard, Kreidler, McDermott - 4.

SECOND SUBSTITUTE SENATE BILL NO. 5555, 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 HOUSE

April 22, 1987

Mr. President:

The House refuses to grant the request of the Senate for a conference on SUBSTITUTE HOUSE BILL NO. 170, insists on its position regarding the Senate amendments, and again asks the Senate to recede therefrom, and the same are herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

## MOTION

On motion of Senator Owen, the Senate receded from its amendments to Substitute House Bill No. 170.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 170, without the Senate amendments.

## ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 170, without the Senate amendments, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 45.

Excused: Senators Bender, Gaspard, Kreidler, McDermott - 4.

SUBSTITUTE HOUSE BILL NO. 170, without the Senate amendments, having received the 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 FOR RECONSIDERATION

Having voted on the prevailing side, Senator Vognild moved to reconsider the vote by which the powers of Free Conference were granted on Engrossed House Bill No. 713 earlier today.

The President declared the question before the Senate to be the motion by Senator Vognild to reconsider the vote by which the powers of Free Conference were granted on Engrossed House Bill No. 713.

The motion carried and the Senate will reconsider Engrossed House Bill No. 713.

## MOTION

On motion of Senator Moore, the Report of the Conference Committee on Engrossed House Bill No. 713 was adopted.

(See Report of Conference Committee on Engrossed House Bill No. 713, read in earlier today.)

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 713, as recommended by the Conference Committee.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 713, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 44; nays, 1; excused, 4.

Voting yea: Senators Bailey, Barr, Bauer, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 44.

Voting nay: Senator Anderson - 1.

Excused: Senators Bender, Gaspard, Kreidler, McDermott - 4.

ENGROSSED HOUSE BILL NO. 713, as recommended by the Conference Committee, having received the 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 President advanced the Senate to the eighth order of business.

#### MOTION

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

##### SENATE RESOLUTION 1987-8647

by Senators Smitherman and Rasmussen

WHEREAS, The economic development of the State of Washington is dependent upon the availability and affordability of energy, including natural gas; and

WHEREAS, Kern River Gas Transmission Company has applied to the Federal Energy Regulatory Commission for approval to construct an interstate pipeline for delivery to various points within or adjacent to Kern County in the State of California, as more particularly described in the application filed with the Federal Energy Regulatory Commission as Docket No. CP85-552-000; and

WHEREAS, Operation of the Kern River Pipeline would have substantial economic benefits to the State of Washington utilities served by Northwest Pipeline Construction; and

WHEREAS, Construction of the Kern River Pipeline Project would provide additional pipeline transportation facilities for natural gas users in the Western United States, thus promoting competition and efficiency of service; and

WHEREAS, Low-cost and abundant natural gas supplies would enhance the competitiveness of energy-dependent businesses within the State of Washington; and

WHEREAS, Low-cost and abundant natural gas supplies would enhance the efforts of the state of Washington to attract new industries;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington, that the Senate recommends that the Federal Energy Regulatory Commission grant a certificate of public convenience and necessity to facilitate the construction and operation of the Kern River Pipeline Project; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted to the Federal Energy Regulatory Commission, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the state of Washington.

#### MOTION

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

##### SENATE RESOLUTION 1987-8657

by Senators Rinehart and Zimmerman

WHEREAS, During this Fiftieth Legislative Session the Washington State Senate honored Billy Joe Thomas, age 10, a Cub Scout from Pack 75 in Seattle, for his humanitarian efforts and dedication to scouting; and

WHEREAS, Billy Joe Thomas in his speech to the Senate, requested that special efforts be made to seek peace and friendship throughout the world; and

WHEREAS, The Office of the Superintendent of Public Instruction coordinates exchanges of teachers with Japan, Australia, China, and Denmark; and

WHEREAS, Local school districts and private organizations throughout the state plan and support student exchanges and student travel throughout the world; and

WHEREAS, The state of Washington and cities within the state enter into sister-state, and sister-city agreements of friendship with other countries or their political subdivisions which lead to activities that enhance understanding between cultures;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of this Fiftieth Legislature encourage and commend the programs and individuals in our state who further the cause of peace, understanding, and friendship; and

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted by the Secretary of the Senate to Billy Joe Thomas, the Office of the Superintendent of Public Instruction, and the Governor.

Senators Rinehart and Zimmerman spoke to the resolution.

#### POINT OF INQUIRY

Senator Fleming: "Senator Zimmerman, is this some indication that you've had a change of heart and are going to vote for international education?"

Senator Zimmerman: "I certainly am in favor of international education in some form or another."

#### MOTION

At 2:23 p.m. on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 4:48 p.m. by President Cherberg.

There being no objection, the President returned the Senate to the sixth order of business.

#### MOTION

On motion of Senator Zimmerman, Senator Lee was excused.

#### SECOND READING

#### CONFIRMATION OF GUBERNATORIAL APPOINTMENT

#### MOTION

On motion of Senator Talmadge, Gubernatorial Appointment No. 9093, Susan M. Johnson, as a member of the Board of Trustees for Shoreline Community College District No. 7, was confirmed.

#### APPOINTMENT OF SUSAN M. JOHNSON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 36; nays, 1; absent, 9; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Johnson, Kiskaddon, Kreidler, McCaslin, Metcalf, Moore, Newhouse, Owen, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, Wojahn, Zimmerman - 36.

Voting nay: Senator West - 1.

Absent: Senators Bauer, Craswell, Hansen, Hayner, McDonald, Nelson, Patterson, Peterson, Williams - 9.

Excused: Senators Bender, Lee, McDermott - 3.

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

#### MOTION

On motion of Senator Zimmerman, Senators Hayner and McDonald were excused.

#### REPORT OF CONFERENCE COMMITTEE

RE: ESHB 927

Revising the enforcement of judgments.



April 24, 1987

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom the above measure was referred, have had the same under consideration and we recommend the following:

The Senate Judiciary Committee amendment be adopted with the following exceptions, deleting Section 1117 and Sections 1121 through 1130, and the related title references:

On page 123, beginning on line 2, strike all of section 1117. Renumber the sections consecutively and correct all internal references accordingly.

On page 129 of the Senate amendment, beginning on line 4, strike all material down to and including line 32 on page 140

Renumber the sections consecutively and correct internal references accordingly.

On page 141, line 32, strike "61.12.060."

On page 141, beginning on line 32 of the title amendment, after "51.24.060," strike all material down to and including "60.04.115;" on line 1 of page 142, and insert "and 51.48.150:"

Signed by: Senators Bottiger, Pullen, Rinehart; Representatives Armstrong, Hargrove, Padden.

## MOTION

On motion of Senator Talmadge, the Report of the Conference Committee on Engrossed Substitute House Bill No. 927 was adopted.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 927, as recommended by the Conference Committee.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 927, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 41; absent, 3; excused, 5.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, McCaslin, Moore, Nelson, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vogtild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 41.

Absent: Senators DeJarnatt, Metcalf, Owen - 3.

Excused: Senators Bender, Hayner, Lee, McDermott, McDonald - 5.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 927, as recommended by the Conference Committee, having received the 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 PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 5061,

SENATE BILL NO. 5110,

SENATE BILL NO. 5159,

SUBSTITUTE SENATE BILL NO. 5393,

SENATE BILL NO. 5549,

SENATE BILL NO. 5556,

SUBSTITUTE SENATE BILL NO. 5570,

SUBSTITUTE SENATE BILL NO. 5622,

SUBSTITUTE SENATE BILL NO. 5632,

SECOND SUBSTITUTE SENATE BILL NO. 5871,

SUBSTITUTE SENATE BILL NO. 5977,

SUBSTITUTE SENATE BILL NO. 6064.

## MESSAGE FROM THE HOUSE

April 25, 1987

Mr. President:

The House has adopted the Report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 5814 and has passed the bill as recommended by the Conference Committee. The Report of the Conference Committee is herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

## REPORT OF CONFERENCE COMMITTEE

RE: SSB 5814

Relating to mobile homes.

April 25, 1987

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom the above measure was referred, have had the same under consideration and we recommend the following:

The House Housing Committee striking amendment be adopted with the exception of the following:

On page 5, strike lines 4 through 32

On page 6, line 10, strike "creating a new section.":

The House amendment to the committee amendment by Representative Nutley be rejected.

Signed by: Senators Warnke, West, Vognild; Representatives Todd, Nutley, J. Williams.

## MOTION

On motion of Senator Warnke, the Report of the Conference Committee on Substitute Senate Bill No. 5814 was adopted.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5814, as recommended by the Conference Committee.

## ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5814, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 41; absent, 3; excused, 5.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, McCaslin, Metcalf, Moore, Nelson, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 41.

Absent: Senators DeJarnatt, Kreidler, Owen - 3.

Excused: Senators Bender, Hayner, Lee, McDermott, McDonald - 5.

SUBSTITUTE SENATE BILL NO. 5814, as recommended by the Conference Committee, having received the 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 Senator Zimmerman, Senator Metcalf was excused.

On motion of Senator Vognild, Senator Bottiger was excused.

## REPORT OF CONFERENCE COMMITTEE

RE: ESHB 83

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

April 24, 1987

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom the above measure was referred, have had the same under consideration and we recommend the following:

The Senate Transportation Committee striking amendments be adopted with the following changes:

On page 5 of the Senate Transportation Committee striking amendment, beginning on line 24, strike all material down to and including "law." on page 7, line 32. Renummer the remaining sections consecutively

On page 9, line 1 of the Senate Transportation Committee title amendment, strike "46.52.030 and 46.52.120" and insert "and 46.52.030".

Signed by: Senators Peterson, Patterson; Representatives Walk, Baugher, Schmidt.

## MOTION

Senator Vognild moved that the Report of the Conference Committee on Engrossed Substitute House Bill No. 83 be adopted.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Vognild to adopt the Report of the Conference Committee on Engrossed Substitute House Bill No. 83.

The motion by Senator Vognild carried and the Senate adopted the Report of the Conference Committee on Engrossed Substitute House Bill No. 83.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 83, as recommended by the Conference Committee.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 83, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 37; absent, 5; excused, 7.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, McCaslin, Moore, Nelson, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 37.

Absent: Senators DeJarnatt, Fleming, Owen, Smitherman, Tanner - 5.

Excused: Senators Bender, Bottiger, Hayner, Lee, McDermott, McDonald, Metcalf - 7.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 83, as recommended by the Conference Committee, having received the 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 HOUSE

April 25, 1987

Mr. President:

The House has adopted the Report of the Conference Committee on SUBSTITUTE HOUSE BILL NO. 1158 and has granted said committee the powers of Free Conference. The Report of the Free Conference Committee is herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

## REPORT OF FREE CONFERENCE COMMITTEE

RE: SHB 1158

Establishing a liquor license for qualified duty free exporters to see beer and wine to vessels for consumption outside the state of Washington.

April 23, 1987

Mr. President:

Mr. Speaker:

We of your Free Conference Committee, to whom the above measure was referred, have had the same under consideration and we recommend that the measure be amended as proposed under the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on Substitute House Bill No. 1158, read in on April 24, 1987.)

Signed by: Senators Warnke, Newhouse, Vognild; Representatives Wang, Cole, Walker.

## MOTION

Senator Warnke moved that the Report of the Free Conference Committee on Substitute House Bill No. 1158 be adopted.

## POINT OF INQUIRY

Senator Talmadge: "Senator Warnke, in Section 2 of the Free Conference Committee Report, it indicates that the board can establish by rule, procedures for the sale of non-liquor products, by persons licensed in this chapter. Is that a section that has had some concern of the Senate before?"

Senator Warnke: "That was in the original bill that passed the Senate before."

The President declared the question before the Senate to be the motion by Senator Warnke to adopt the Report of the Free Conference Committee on Substitute House Bill No. 1158.

The motion by Senator Warnke carried and the Senate adopted the Report of the Free Conference Committee on Substitute House Bill No. 1158.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1158, as amended by the Free Conference Committee.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1158, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 36; nays, 3; absent, 3; excused, 7.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, Fleming, Garrett, Gaspard, Hansen, Johnson, Kiskaddon, Kreidler, McCaslin, Moore, Nelson, Newhouse, Patterson, Peterson, Pullen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Wojahn, Zimmerman - 36.

Voting nay: Senators Halsan, Rasmussen, Williams - 3.

Absent: Senators DeJarnatt, Owen, Tanner - 3.

Excused: Senators Bender, Bottiger, Hayner, Lee, McDermott, McDonald, Metcalf - 7.

SUBSTITUTE HOUSE BILL NO. 1158, as amended by the Free Conference Committee, having received the 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 HOUSE

April 25, 1987

Mr. President:

The House has adopted the Report of the Conference Committee on SENATE BILL NO. 5550 and has passed the bill as recommended by the Conference Committee. The Report of the Conference Committee is herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### REPORT OF CONFERENCE COMMITTEE

RE: SB 5550

Revising provisions relating to sexual offenders.

April 24, 1987

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom the above measure was referred, have had the same under consideration and we recommend the following:

That the House floor amendment by Representative Cooper on page 5, line 19, be adopted:

The House floor amendment by Representative Cooper on page 4, line 28, be rejected.

Signed by: Senators Talmadge, Nelson, Moore; Representatives Cooper, Armstrong, Padden.

#### MOTION

Senator Talmadge moved that the Report of the Conference Committee on Senate Bill No. 5550 be adopted.

#### POINT OF INQUIRY

Senator Rasmussen: "Senator Talmadge, the sexual psychopaths they are taking out of Western State and transferring, they are probably going where?"

Senator Talmadge: "Probably either the Penitentiary at Walla Walla where they have a special offenders unit, or possibly to Shelton."

Senator Rasmussen: "They are not going to put them up in the new prison?"

Senator Talmadge: "I don't know. I think probably for the most part, they will go to those two existing facilities, but that would be up to the Department of Corrections, Senator Rasmussen."

Senator Rasmussen: "Can I ask you a further question? I don't know if you know the answer. We recently had a series of rapes in Pierce County. One of the people

was released from Western State--I imagine he will pay dearly for that in the future--but apparently the program there is not doing the job. This fellow said he did everything they suggested, so he could get out. Are we transferring the same training program along with the prisoners?"

Senator Talmadge: "That would be up to the Department of Corrections, Senator. There are some individuals who are convicted of less serious sex offenses for which the treatment program in a stringent environment like the correction institution, might benefit from that program. For some of the more serious rapist and other sex offenders, the Legislative Budget Committee audit of two years ago suggested that service of time in prison and service of time in the treatment program really didn't make much difference as to whether they went out and reoffended. So, the feeling was that perhaps they should simply serve the time in the institution for that reason."

Senator Rasmussen: "Well if they get in with the right group over in Walla Walla, they will get some training."

The President declared the question before the Senate to be the motion by Senator Talmadge to adopt the Report of the Conference Committee on Senate Bill No. 5550.

The motion by Senator Talmadge carried and the Senate adopted the Report of the Conference Committee on Senate Bill No. 5550.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5550, as recommended by the Conference Committee.

#### ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5550, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 40; absent, 2; excused, 7.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, McCaslin, Moore, Nelson, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 40.

Absent: Senators DeJarnatt, Owen - 2.

Excused: Senators Bender, Bottiger, Hayner, Lee, McDermott, McDonald, Metcalf - 7.

SENATE BILL NO. 5550, as recommended by the Conference Committee, having received the 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 REPORT OF CONFERENCE COMMITTEE

RE: HB 698

Authorizing collection by county treasurers of various local government charges.

April 25, 1987

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom the above measure was referred, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the measure as follows:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 84.56 RCW to read as follows:

A local government authorized both to impose and to collect any special assessments, excise taxes, or rates or charges may contract with the county treasurer or treasurers within which the local government is located to collect the special assessments, excise taxes, rates, or charges. If such a contract is entered into, notice of the special assessments, excise taxes, or rates or charges due may be included on the notice of property taxes due, may be included on a separate notice that is mailed with the notice of property taxes due, or may be sent separately from the notice of property taxes due. County treasurers may impose an annual fee for collecting special assessments, excise taxes, or rates or charges not to exceed one percent of the dollar value of special assessments, excise taxes, or rates or charges collected.

Sec. 2. 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 and except annual community celebration events if the proceeds of the events are used exclusively for the purposes for which the nonprofit organization, association, or corporation is organized, 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.

Sec. 3. Section 7, chapter 40, Laws of 1973 2nd ex. sess. as last amended by section 7, chapter 220, Laws of 1984 and RCW 84.36.805 are each amended to read as follows:

In order to be exempt pursuant to RCW 84.36.030, 84.36.035, 84.36.037, 84.36.040, 84.36.045, 84.36.047, 84.36.050, 84.36.060, 84.36.350, and 84.36.480, the nonprofit organizations, associations or corporations shall satisfy the following conditions:

(1) The property is used exclusively for the actual operation of the activity for which exemption is granted and does not exceed an amount reasonably necessary for that purpose, except:

(a) The loan or rental of the property does not subject the property to tax if:

(i) Except for the exemption under RCW 84.36.037, the rents and donations received for the use of the portion of the property are reasonable and do not exceed the maintenance and operation expenses attributable to the portion of the property loaned or rented; and

(ii) Except for the exemption under RCW 84.36.037, the property would be exempt from tax if owned by the organization to which it is loaned or rented;

(b) The use of the property for fund-raising activities does not subject the property to tax if the fund-raising activities are consistent with the purposes for which the exemption is granted;

(2) The property is irrevocably dedicated to the purpose for which exemption has been granted, and on the liquidation, dissolution, or abandonment by said organization, association, or corporation, said property will not inure directly or indirectly to the benefit of any shareholder or individual, except a nonprofit organization, association, or corporation which too would be entitled to property tax exemption: PROVIDED, That the provision of this subsection shall not apply to those qualified for exemption pursuant to RCW 84.36.040 if the property used for the purpose stated is either leased or rented;

(3) The facilities and services are available to all regardless of race, color, national origin or ancestry;

(4) The organization, association, or corporation is duly licensed or certified where such licensing or certification is required by law or regulation;

(5) Property sold to organizations, associations, or corporations with an option to be repurchased by the seller shall not qualify for exempt status;

(6) The director of the department of revenue shall have access to its books in order to determine whether such organization, association, or corporation is exempt from taxes within the intent of RCW 84.36.030, 84.36.035, 84.36.037, 84.36.040, 84.36.045, 84.36.047, 84.36.050, 84.36.060, 84.36.350, and 84.36.480.

Sec. 4. Section 36.29.020, chapter 4, Laws of 1963 as last amended by section 7, chapter 177, Laws of 1984 and RCW 36.29.020 are each amended to read as follows:

The county treasurer shall keep all moneys belonging to the state, or to any county, in his or her own possession until disbursed according to law. The county treasurer shall not place the same in the possession of any person to be used for any purpose; nor shall he or she loan or in any manner use or permit any person to use the same; but it shall be lawful for a county treasurer to deposit any such moneys in any regularly designated qualified public depository. Any municipal corporation may by action of its governing body authorize any of its funds which are not required for immediate expenditure, and which are in the custody of the county treasurer or other municipal corporation treasurer, to be invested or deposited by such treasurer in ~~(savings or time accounts in designated qualified public depositories or in 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; in bankers' acceptances purchased on the secondary market; 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 or deposit such funds or any portion thereof in investment deposits as defined in RCW 39.58.010 secured by collateral in accordance with the provisions of chapter 39.58 RCW) investments or deposits authorized under RCW 43.84.080 and chapter 39.58 RCW in which the state treasurer may invest or deposit public moneys; PROVIDED, Five percent of the interest or earnings, with an annual maximum of fifty dollars, on any transactions authorized by each resolution of the governing body shall be paid as an investment service fee to the office of the county treasurer or other municipal corporation treasurer when the interest or earnings become available to the governing body; PROVIDED FURTHER, That if such investment service fee amounts to five dollars or less the county treasurer or other municipal corporation treasurer may waive such fee.~~

~~Whenever the funds of any municipal corporation which are not required for immediate expenditure are in the custody or control of the county treasurer, and the governing body of such municipal corporation has not taken any action pertaining to the investment of any such funds, the county finance committee shall direct the county treasurer to invest or deposit, to the maximum prudent extent, such funds or any portion thereof in ((savings or time accounts in designated qualified public depositories or in 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, in bankers' acceptances purchased on the secondary market, 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 or deposit such funds or any portion thereof in investment deposits as defined in RCW 39.58.010 secured by collateral in accordance with the provisions of chapter 39.58 RCW)) investments or deposits authorized under RCW 43.84.080 and chapter 39.58 RCW in which the state treasurer may invest or deposit state moneys; PROVIDED, That the county treasurer shall have the power to select the specific qualified financial institution in which said funds may be invested. The interest or other earnings from such investments or deposits shall be deposited in the current expense fund of the county and may be used for general county purposes. The investment or deposit and disposition of the interest or other earnings therefrom authorized by this paragraph shall not apply to such funds as may be prohibited by the state Constitution from being so invested or deposited.~~

NEW SECTION. Sec. 5. A new section is added to chapter 36.29 RCW to read as follows:

The county treasurer may deduct the amounts necessary to reimburse the treasurer's office for the actual expenses the office incurs and to repay any county funds appropriated and expended for the initial administrative costs of establishing a county investment pool provided in RCW 36.29.022. Any credits or payments to political subdivisions shall be calculated and made in a manner which equitably reflects the differing amounts of the political subdivision's respective deposits in the county investment pool and the differing periods of time for which the amounts were placed in the county investment pool."

On page 1, line 1 of the title, after "treasurers;" strike the remainder of the title and insert "amending RCW 84.36.037, 84.36.805, and 36.29.020; adding a new section to chapter 84.56 RCW; and adding a new section to chapter 36.29 RCW."

Signed by: Senators Halsan, Zimmerman, DeJarnatt; Representatives Haugen, Nutley, L. Smith.

#### MOTION

On motion of Senator Halsan, the Second Report of the Conference Committee on House Bill No. 698 was adopted and the powers of Free Conference were granted.

#### MESSAGE FROM THE HOUSE

April 25, 1987

Mr. President:

The House has adopted the Report of the Free Conference Committee on SUBSTITUTE HOUSE BILL NO. 364 and has passed the bill as amended by the Free Conference Committee.

SHARON L. CASE, Assistant Chief Clerk

## MESSAGE FROM THE HOUSE

April 25, 1987

Mr. President:

The House has adopted the Report of the Conference Committee on SUBSTITUTE HOUSE BILL NO. 782 and has passed the bill as recommended by the Conference Committee.

ALAN THOMPSON, Chief Clerk

## MOTION

At 5:22 p.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 6:24 p.m. by President Cherberg.

## MESSAGE FROM THE HOUSE

April 25, 1987

Mr. President:

The House has adopted the Report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 5249 and has granted said committee the powers of Free Conference. The Report of the Conference Committee is herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

## REPORT OF CONFERENCE COMMITTEE

RE: SSB 5249

Clarifying payment of court filing fees.

April 24, 1987

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom the above measure was referred, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the bill as follows:

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 petition for review of a court of appeals decision terminating review, 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, the plaintiff shall, at the time of such commencement or transfer, pay to such court a filing fee of ~~((twenty))~~ twenty-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 3, chapter 56, Laws of 1987 and RCW 36.18.020 are each 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))~~ seventy-eight dollars except in proceedings filed under RCW 26.50.030 or 49.60. (section 2, chapter 56, Laws of 1987) where the petitioner shall pay a filing fee of twenty dollars.

(2) Any party, except a defendant in a criminal case, filing the first or initial paper on an appeal from ~~((justice))~~ a court of limited jurisdiction or any party on any civil appeal, shall pay, when said paper is filed, a fee of ~~((seventy))~~ seventy-eight 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.

~~((11))~~ (12) In probate proceedings, the party instituting such proceedings, shall pay at the time of filing the first paper therein, a fee of ~~((seventy))~~ seventy-eight 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.

~~((12))~~ (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))~~ seventy-eight dollars.

~~((13))~~ (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.

~~((14))~~ (15) For the preparation of a passport application there shall be a fee of four dollars.

~~((15))~~ (16) For searching records for which a written report is issued there shall be a fee of eight dollars per hour.

~~((16))~~ (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, or upon affirmance of a conviction by a court of limited jurisdiction, a defendant in a criminal case shall be liable for a fee of seventy dollars.

~~((17))~~ (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.

~~((18))~~ (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."

On page 1, line 1 of the title, after "fees;" strike the remainder of the title and insert "amending RCW 2.32.070, 3.62.060, and 36.18.020."

Signed by: Senators Talmadge, Nelson, Moore; Representatives Heavey, Crane, Padden.

#### MOTION

On motion of Senator Talmadge, the Report of the Conference Committee on Substitute Senate Bill No. 5249 was adopted and the committee was granted the powers of Free Conference.

## MESSAGE FROM THE HOUSE

April 25, 1987

Mr. President:

The House has adopted the Report of the Conference Committee on ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5441 and has granted said committee the powers of Free Conference. The Report of the Conference Committee is herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

## REPORT OF CONFERENCE COMMITTEE

RE: E2SSB 5441

Authorizing establishment of local reemployment centers.

April 25, 1987

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom the above measure was referred, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the bill as follows:

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 problems that are associated with unemployment;

(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; and

(5) A locally-based worker assistance program will result in long-term savings to the state and local communities by providing the unemployed with accessible rapid intervention services and by preventing economic hardships.

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 state funds as authorized by law 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 any state grant.

(4) Each local reemployment center designated by the department pursuant to this section shall share equally in any funding provided in an appropriations act for the purposes of sections 1 through 7 of this act.

NEW SECTION, Sec. 4. The local reemployment centers shall provide direct or referral services to the unemployed. To avoid duplication of existing services, preference shall be given to providing services by referral where appropriate programs are reasonably available to the unemployed. 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 if locating the employees within the center will increase the effectiveness of coordinating the services offered to unemployed workers by the agencies.

**NEW SECTION.** Sec. 6. The department of community development shall require each local center that receives state funds under this chapter to submit semiannual reports to the department documenting 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. (1) 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. 9. 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 formulæ, 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 7 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. 10. 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 local reemployment centers in delivering services and in creating cost savings to the participating workers, communities, and the state.

NEW SECTION. Sec. 11. Sections 1 through 7 of this act shall constitute a new chapter in Title 50 RCW.

NEW SECTION. Sec. 12. Sections 1 through 7 of this act shall expire on March 15, 1989, unless extended by law for an additional fixed period of time.

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 "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 providing an expiration date."

Signed by: Senators Warnke, Smitherman; Representatives Wang, Sayan, Patrick.

#### MOTION

On motion of Senator Warnke, the Report of the Conference Committee on Engrossed Second Substitute Senate Bill No. 5441 was adopted and the committee was granted the powers of Free Conference.

#### REPORT OF CONFERENCE COMMITTEE

RE: SSB 5163

Changing provisions relating to midwives.

April 23, 1987

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom the above measure was referred, have had the same under consideration and we report that we are unable to

agree and we respectfully request the powers of Free Conference in order to amend the bill as follows:

The House Health Care Committee striking amendment be adopted with the following changes:

On page 9, of the House Health Care Committee amendment, line 6, after "for" strike "any profession with fewer than one-hundred active licensees" and insert "midwives, as licensed in chapter 18.50 RCW"

On page 2, line 24, after "January," strike "1989" and insert "1988"

On page 5, starting on line 15, insert:

(3) Notwithstanding subsections (1) and (2) of this section, the department shall adopt rules to provide credit toward the educational requirements for licensure before July 1, 1988, of nonlicensed midwives, including rules to provide:

(a) Credit toward licensure for documented deliveries;

(b) The substitution of relevant experience for classroom time; and

(c) That experienced lay midwives may sit for the licensing examination without completing the required coursework."

Signed by: Senators Wojahn, Anderson, Garrett; Representatives Braddock, Spanel, Brooks.

#### MOTION

On motion of Senator Wojahn, the Report of the Conference Committee on Substitute Senate Bill No. 5163 was adopted and the committee was granted the powers of Free Conference.

#### MESSAGE FROM THE HOUSE

April 25, 1987

Mr. President:

The House has adopted the Report of the Conference Committee on ENGROSSED SENATE CONCURRENT RESOLUTION NO. 8406 and has granted said committee the powers of Free Conference. The Report of the Conference Committee is herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

#### REPORT OF CONFERENCE COMMITTEE

RE: ESCR 8406

Creating joint committee on marine and ocean resources.

April 24, 1987

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom the above measure was referred, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the resolution as follows:

On page 1, line 1, after "WHEREAS," strike the remainder of the resolution and insert the following: "Washington has an active interest in marine resources and ocean policy, a heightened awareness of the importance of the marine environment, and a belief that a strong, coherent, and scientifically based policy towards our marine environment is in the best interests of economic development and environmental management; and

WHEREAS, The marine sector plays a vital role in Washington's economy through commercial and sports fishing; public and private aquaculture; seafood processing; recreation; beaches and resorts; boating and marinas; shipping; shipbuilding; port-related enterprise; technology development; marine trades; support services; law; banking and insurance; marine research; and resource management and consulting, which all depend, whether totally or in part, on the richness of our marine resources and its health; and

WHEREAS, Washington's marine interests extend far beyond state waters and agency jurisdictions, and some of the activities taking place, or planned to take place outside of state waters may affect communities and private and public interests within Washington; and

WHEREAS, A strong research, education, and information base is vital to maintaining and improving existing marine enterprises and to enhancing opportunities for development of new ones, and is essential to the legislature to deal effectively with the many complex problems associated with the marine environment; and

WHEREAS, The legislature has created the Joint Select Committee on Marine and Ocean Resources which will coordinate the exchange of information among states and the Pacific

Fisheries Legislative Task Force will serve as a means of exchanging information among legislators from the states affected by management of Pacific Ocean resources;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington, the House of Representatives concurring, That the President of the Senate and the Speaker of the House of Representatives, joining with the presiding officers of the other jurisdictions shall appoint, respectively, two senators and two representatives to represent Washington on the Pacific Fisheries Legislative Task Force, which shall operate as a clearinghouse for opinions from all the various interests involved in Pacific fishing, and which shall include among its duties the duty to report to the legislatures of the participating jurisdictions, and to the state delegations in the United States Congress concerning means of protecting and fostering Pacific fishing in the participating jurisdictions: PROVIDED, That representatives of the state of Washington shall attend no more than four meetings annually and shall report to the Joint Select Committee on Marine and Ocean Resources; and

BE IT FURTHER RESOLVED, That copies of this resolution shall be sent to the presiding officers of the legislatures of Alaska, California, Idaho, and Oregon."

Signed by: Senators Rasmussen, Metcalf, Stratton; Representatives Haugen, Basich, Wilson.

#### MOTION

On motion of Senator Vognild, the Report of the Conference Committee on Engrossed Substitute Senate Concurrent Resolution No. 8406 was adopted and the committee was granted the powers of Free Conference.

#### MESSAGE FROM THE HOUSE

April 25, 1987

Mr. President:

The House has adopted the Second Report of the Conference Committee on SUBSTITUTE HOUSE BILL NO. 773 and has granted said committee the powers of Free Conference. The Second Report of the Free Conference Committee is herewith transmitted.

#### SECOND REPORT OF FREE CONFERENCE COMMITTEE

RE: SHB 773

Allowing county auditors to investigate and cancel invalid voter registration.

April 23, 1987

Mr. President:

Mr. Speaker:

We of your Free Conference Committee, to whom the above measure was referred, have had the same under consideration and we recommend that the measure be amended as proposed under the request for Free Conference and that the bill do pass as amended by the Free Conference committee.

(See report of Conference Committee on Substitute House Bill No. 773, read in earlier today.)

Signed by: Senators Halsan, Pullen, Rinehart; Representatives Fisher, Pruitt, Sanders.

#### MOTION

Senator Talmadge moved that the Second Report of the Free Conference Committee on Substitute House Bill No. 773 be adopted.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Talmadge to adopt the Second Report of the Free Conference Committee on Substitute House Bill No. 773.

The motion by Senator Talmadge carried and the Senate adopted the Second Report of the Free Conference Committee on Substitute House Bill No. 773.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 773, as amended by the Free Conference Committee.

## ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 773, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 44; absent, 2; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Wojahn, Zimmerman - 44.

Absent: Senators Gaspard, Williams - 2.

Excused: Senators Bottiger, Hayner, McDermott - 3.

SUBSTITUTE HOUSE BILL NO. 773, as amended by the Free Conference Committee, having received the 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 HOUSE

April 25, 1987

Mr. President:

The House has adopted the Report of the Conference Committee on SUBSTITUTE HOUSE BILL NO. 738 and has granted said committee the powers of Free Conference. The Report of the Free Conference Committee is herewith transmitted.

ALAN THOMPSON, Chief Clerk

## REPORT OF FREE CONFERENCE COMMITTEE

RE: SHB 738

Transferring functions of corrections standards board to other state agencies.

April 24, 1987

Mr. President:

Mr. Speaker:

We of your Free Conference Committee, to whom the above measure was referred, have had the same under consideration and we recommend that the measure be amended as proposed under the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on Substitute House Bill No. 738, read in earlier today.)

Signed by: Senators Wojahn, Anderson, Tanner; Representatives Sommers, Perry, Hankins.

## MOTION

Senator Wojahn moved that the Report of the Free Conference Committee on Substitute House Bill No. 738 be adopted.

Debate ensued.

## POINT OF INQUIRY

Senator Pullen: "Senator Wojahn, I am looking at the Free Conference Committee amendment on page 11, line 19--'after 1988, insert, cities and towns shall adopt the standards after considering guidelines established collectively by the cities and towns of the state--counties shall adopt the standards after considering the guidelines establishing collectively by the counties of the state.' I am not sure exactly what that means. Is there a mechanism for the cities and towns and counties to make a collective judgment? Are the cities, towns and counties then bound by that collective judgment?"

Senator Wojahn: "I would assume that the lobby group or whoever has charge of the counties and cities and there is a lobby group--the Association of Washington Counties and the Association of Washington Cities--I think it's very bad policy myself. However, if we don't adopt this, it will sunset immediately. This will at least give them a chance to come to meet together and to form some kind of conclusion on how to handle it."

Senator Pullen: "Senator Wojahn, I am also wondering if there is a technical flaw in that particular amendment. Could you take a look at the second clause, the one that appears after the semi-colon. It doesn't read parallel to the first clause. In fact, the second clause says, 'counties shall adopt the standards after considering

guidelines establishing collectively by the counties of the state.' I am wondering if that word 'establishing' is supposed to be 'established?'"

Senator Wojahn: "I think it was supposed to be. It looks to me like it should be because it isn't good grammar the way it is."

Senator Pullen: "It's not only not good grammar, it just doesn't read right. I am wondering if that particular flaw is so egregious that we can assume it's some sort of typographical error? I see the Secretary of the Senate nodding affirmatively. Maybe if we are really absolutely sure that it is a typographical error—I don't think we have the authority to correct a serious grammatical or typographical error made by a Free Conference Report—but I would sure hate for that to go into law reading like that."

Senator Wojahn: "That's what we use the word 'sic' for, Senator Pullen. That is a typographical error, I am sure. Again, I would remind the body that if we do not extend it now, it will sunset immediately."

Further debate ensued.

The President declared the question before the Senate to be the motion by Senator Wojahn to adopt the Report of the Free Conference Committee on Substitute House Bill No. 738.

The motion by Senator Wojahn carried and the Senate adopted the Report of the Free Conference Committee on Substitute House Bill No. 738.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 738 as amended by the Free Conference Committee.

EDITOR'S NOTE: The word 'establishing' was changed to 'established.'

#### ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 738, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 26; nays, 22; excused, 1.

Volting yea: Senators Anderson, Barr, Bauer, Bender, Benitz, Bottiger, Deccio, DeJarnatt, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Moore, Owen, Patterson, Sellar, Smitherman, Stratton, Tanner, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 26.

Volting nay: Senators Bailey, Bluechel, Cantu, Conner, Craswell, Fleming, Garrett, Hayner, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Peterson, Pullen, Rasmussen, Rinehart, Saling, Talmadge, West, Zimmerman - 22.

Excused: Senator McDermott - 1.

SUBSTITUTE HOUSE BILL NO. 738, as amended by the Free Conference Committee, having received the 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 HOUSE

April 25, 1987

Mr. President:

The House has adopted the Report of the Free Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 5024 and has passed the bill as amended by the Free Conference Committee. The Report of the Free Conference Committee is herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

#### REPORT OF FREE CONFERENCE COMMITTEE

RE: ESSB 5024

Requiring advertising by contractors to carry the contractor's registration number.

April 22, 1987

Mr. President:

Mr. Speaker:

We of your Free Conference Committee, to whom the above measure was referred, have had the same under consideration and we recommend that the measure be amended as proposed under the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.



(See Report of Conference Committee on Engrossed Substitute Senate Bill No. 5024, read in on April 23, 1987.)

Signed by: Senators Warnke, Smitherman, Bluechel; Representatives Wang, Cole, Patrick.

#### MOTION

Senator Warnke moved that the Report of the Free Conference Committee on Engrossed Substitute Senate Bill No. 5024 be adopted.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Warnke to adopt the Report of the Free Conference Committee on Engrossed Substitute Senate Bill No. 5024.

The motion by Senator Warnke carried and the Report of the Free Conference Committee on Engrossed Substitute Senate Bill No. 5024 was adopted.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 5024, as amended by the Free Conference Committee.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 5024, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 40; nays, 8; excused, 1.

Voting yea: Senators Anderson, Bailey, Bauer, Bender, Benitz, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McDonald, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Smitherman, Stratton, Talmadge, Tanner, Vogndild, von Reichbauer, Warnke, West, Williams, Wojahn - 40.

Voting nay: Senators Barr, Bluechel, Craswell, Lee, McCaslin, Nelson, Sellar, Zimmerman - 8.

Excused: Senator McDermott - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5024, as amended by the Free Conference Committee, having received the 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 HOUSE

April 25, 1987

Mr. President:

The House concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 400, on page 11, line 14; page 3, line 2; page 5, line 6; page 6, line 29; page 7, line 5; page 9, line 24; and page 17, line 16 (adding a new section to Chapter 51.32); and refused to concur in the amendments on page 11, line 18; page 17, line 16 (which amends RCW 51.32.110); and page 9, line 32 and asks the Senate to recede therefrom, and the same are herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

#### MOTION

Senator Newhouse moved that the Senate adhere to its position regarding its amendments to Substitute House Bill No. 400 and once again asks the House to concur therein.

Debate ensued.

#### PARLIAMENTARY INQUIRY

Senator Pullen: "Mr. President, my question concerns the effect of this motion if it were defeated. The motion to adhere is a rather unusual motion which represents the strongest possible support of a particular body's position. If this particular motion were to be defeated, what would be the effect of the House position?"

#### REPLY BY THE PRESIDENT

President Cherberg: "If defeated, Senator, the body could make another motion."

Further debate ensued.

## MOTION

Senator Vognild moved that the Senate recede from its remaining amendments to Substitute House Bill No. 400.

Debate ensued.

Senator Newhouse demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the positive motion by Senator Vognild that the Senate recede from its remaining amendments to Substitute House Bill No. 400.

## ROLL CALL

The Secretary called the roll and the motion by Senator Vognild to recede from the remaining amendments to Substitute House Bill No. 400 failed by the following vote: Yeas, 24; nays, 25.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kreidler, McDermott, Metcalf, Moore, Peterson, Rasmussen, Rinehart, Smitherman, Talmadge, Tanner, Vognild, Warnke, Williams, Wojahn - 24.

Voting nay: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Nelson, Newhouse, Owen, Patterson, Pullen, Saling, Sellar, Stratton, von Reichbauer, West, Zimmerman - 25.

## MOTION

On motion of Senator Vognild, further consideration of Substitute House Bill No. 400 was deferred.

## MOTION

On motion of Senator Zimmerman, Senator von Reichbauer was excused.

## MESSAGE FROM THE HOUSE

April 25, 1987

Mr. President:

The House has adopted the Report of the Free Conference Committee on SUBSTITUTE SENATE BILL NO. 5058 and has passed the bill as amended by the Free Conference Committee. The Report of the Free Conference Committee is herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

## REPORT OF FREE CONFERENCE COMMITTEE

RE: SSB 5058

Strengthening authority of the legislature over agency rule-making.

April 23, 1987

Mr. President:

Mr. Speaker:

We of your Free Conference Committee, to whom the above measure was referred, have had the same under consideration and we recommend that the measure be amended as proposed under the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on Substitute Senate Bill No. 5058, read in earlier today.)

Signed by: Senators Halsan, Deccio, Kreidler; Representatives Sommers, Hankins, Peery.

## MOTION

On motion of Senator Halsan, the Report of the Free Conference Committee on Substitute Senate Bill No. 5058 was adopted.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5058, as amended by the Free Conference Committee.

Debate ensued.

## ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5058, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognilid, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Excused: Senator von Reichbauer - 1.

SUBSTITUTE SENATE BILL NO. 5058, as amended by the Free Conference Committee, having received the 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 Senator Bender, Senator Warnke was excused.

## MESSAGE FROM THE HOUSE

April 25, 1987

Mr. President:

The House has adopted the Report of the Free Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 5838 and has passed the bill as amended by the Free Conference Committee. The Report of the Free Conference Committee is herewith transmitted.

ALAN THOMPSON, Chief Clerk

## REPORT OF FREE CONFERENCE COMMITTEE

RE: ESSB 5838

Regulating sales of health studio memberships.

April 23, 1987

Mr. President:

Mr. Speaker:

We of your Free Conference Committee, to whom the above measure was referred, have had the same under consideration and we recommend that the measure be amended as proposed under the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on Engrossed Substitute Senate Bill No. 5838, read in earlier today.)

Signed by: Senators Warnke, Lee, Smitherman; Representatives Wang, Patrick, Cole.

## MOTION

On motion of Senator Smitherman, the Report of the Free Conference Committee on Engrossed Substitute Senate Bill No. 5838 was adopted.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 5838, as amended by the Free Conference Committee.

Debate ensued.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 5838, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 30; nays, 15; absent, 2; excused, 2.

Voting yea: Senators Bauer, Bender, Bluechel, Bottiger, Conner, DeJarnatt, Garrett, Halsan, Hansen, Kreidler, Lee, McDermott, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognilid, Williams, Wojahn, Zimmerman - 30.

Voting nay: Senators Anderson, Bailey, Barr, Benitz, Cantu, Craswell, Deccio, Hayner, Johnson, Kiskaddon, McCaslin, McDonald, Nelson, Pullen, West - 15.

Absent: Senators Fleming, Gaspard - 2.

Excused: Senators von Reichbauer, Warnke - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5838, as amended by the Free Conference Committee, having received the 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 HOUSE

April 25, 1987

Mr. President:

The House has adopted the Report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 5825 and has passed the bill as recommended by the Conference Committee. The Report of the Conference Committee is herewith transmitted.

ALAN THOMPSON, Chief Clerk

## REPORT OF CONFERENCE COMMITTEE

RE: SSB 5825

Revising provisions on horizontal property regimes.

April 24, 1987

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom the above measure was referred, have had the same under consideration and we recommend the following:

The House amendments by Representative Appelwick on page 1, line 5, and page 5, line 8, be adopted;

The House amendment by Representative Appelwick on page 6, line 2, be rejected.

Signed by: Senators Talmadge, Smitherman, Nelson; Representatives Appelwick, Crane, Padden.

## MOTION

On motion of Senator Talmadge, the Report of the Conference Committee on Substitute Senate Bill No. 5825 was adopted.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5825, as recommended by the Conference Committee.

## ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5825, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, West, Williams, Wojahn, Zimmerman - 47.

Excused: Senators von Reichbauer, Warnke - 2.

SUBSTITUTE SENATE BILL NO. 5825, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## REPORT OF CONFERENCE COMMITTEE

RE: SHB 419

Providing for administrative determination of paternity.

April 25, 1987

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom the above measure was referred, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the measure as follows:

On page 1, beginning on line 17, strike all material through "process." on line 23 and insert the following:

"In those judicial districts which are unable to provide adequate paternity establishment services through their current system, the department of social and health services is directed

to augment the statutory remedies in chapter 26.26 RCW by administrative remedies to establish paternity. It is the intent of the legislature to grant such authority, power, and responsibility to the office of support enforcement of the department of social and health services to supplement rather than replace the current judicial process. The department of social and health services shall consider the following criteria in determining in which judicial districts the services of private attorneys or the implementation of administrative remedies are needed:

(1) In at least fifteen percent of the paternity cases, six months or more have elapsed since the time the department of social and health services referred the case and the time a petition has not been filed or the alleged father has not been personally served, in those cases in which locating information is available;

(2) The number of paternity cases referred to the judicial district by the department of social and health services exceeds one hundred twenty-five percent of the total prosecutorial capacity; or

(3) Other criteria adopted by rule by the department of social and health services. The department of social and health services shall provide a written report of the circumstances requiring employment of private attorneys or the implementation of administrative remedies to the judiciary committees of the senate and house of representatives and provide copies of such reports to the office of the attorney general and to the Washington association of prosecuting attorneys."

On page 3, beginning on line 12, strike "twenty" and insert "thirty"

On page 3, after line 16, insert the following:

"(3) A copy of the notice and allegation of paternity shall be served on the mother by personal service or any form of mail requiring a return receipt. Additional pleadings and other papers shall be served in a manner consistent with the superior court civil rules governing the service of pleadings and other papers."

On page 3, line 18, after "have" strike "twenty" and insert "thirty"

On page 3, line 23, after "enforcement" insert "and the office of the attorney general"

On page 3, beginning on line 29, strike "twenty" and insert "thirty"

On page 3, line 33, after "the" strike "twenty-day" and insert "thirty-day"

On page 3, line 33, after "period," strike all material through "chapter" on line 35, and insert "the action shall proceed under the administrative process established by this chapter. An action filed in superior court under chapter 26.26 RCW after the expiration of the thirty-day period shall be dismissed upon the motion of the state"

On page 4, after line 7, insert the following:

"NEW SECTION. Sec. 7. If the alleged father requests an administrative hearing and alleges that he is indigent and requests that an attorney be appointed to represent him, a hearing shall be promptly scheduled before the administrative law judge. The same standards used in superior court to determine if an attorney should be appointed in a parentage action shall be applicable. If appropriate, the administrative law judge shall appoint an attorney to represent the alleged father."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 4, line 19, after "hearing;" insert "the testimony of the mother and any other evidence presented support a finding that the alleged father is the natural father of the child;"

On page 5, line 26, after "tests," insert "The paternity order shall not require the father to reimburse the state for the costs of blood tests if he is determined to be indigent."

On page 7, line 3, after "34.12 RCW.", insert "The hearing on the allegation of paternity shall be conducted in person."

On page 7, line 24, after "appeal" insert "under RCW 34.04.130"

On page 7, line 25, after "child" strike "under RCW 34.04.130" and insert ": PROVIDED, HOWEVER, That the party petitioning for review shall have sixty days to file the petition and that the appeal shall be a de novo appeal"

On page 7, line 30, after "RCW" insert "4.08.050,"

On page 7, line 34, after "(2)" strike all material through "chapter." on page 8, line 1, and insert "The rules of evidence and for discovery in actions in superior court shall be applicable in administrative hearings to establish paternity under this chapter."

On page 9, line 35, after "Title" strike "26" and insert "74"

On page 1, line 2 of the title, after "Title" strike "26" and insert "74"

Signed by: Senators Talmadge, Halsan; Representatives Armstrong, Padden.

#### MOTION

On motion of Senator Vognild, the Report of the Conference Committee on Substitute House Bill No. 419 was adopted and the committee was granted the powers of Free Conference.

## SECOND REPORT OF CONFERENCE COMMITTEE

RE: EHB 435

Revising provisions on inactive real estate licenses.

April 25, 1987

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom the above measure was referred, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the measure as follows:

Strike everything after the enacting clause and insert the following:

\*Sec. 1, 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. 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.  Holders employed by the state and conducting real estate transactions on behalf of the state are exempt from this course requirement.

(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. 2. A new section is added to chapter 18.85 RCW to read as follows:

No person licensed under this chapter who is employed by the state and who is conducting real estate transactions on behalf of the state may hold an active license under this chapter.

NEW SECTION. Sec. 3. The legislature recognizes the value of an analytical review, removed from the political process, of proposals for increased regulation of real estate and other business professions which the legislature already regulates, as well as of proposals for regulation of professions not currently regulated. The legislature further finds that policies and standards set out for regulation of the health professions in chapter 18.120 RCW have equal applicability to other professions. To further the goal of governmental regulation only as necessary to protect the public interest and to promote economic development through employment, the legislature expands the scope of chapter 18.120 RCW to apply to business professions. The legislature intends that the reviews of proposed business profession regulation be conducted by the department of licensing's policy and research rather than regulatory staff and that the reviews be conducted and recommendations made in an impartial manner. Further, the legislature intends that the department of licensing provide sufficient staffing to conduct the reviews.

NEW SECTION. Sec. 4. (1) The purpose of sections 5 through 7 of this act is to establish guidelines for the regulation of the real estate profession and other business professions which may seek legislation to substantially increase their scope of practice or the level of regulation of the profession, and for the regulation of business professions not licensed or regulated on the effective date of this section: PROVIDED, That the provisions of this chapter are not intended and shall not be construed to: (a) Apply to any regulatory entity created prior to the effective date of this section, except as provided in this chapter; (b) affect the powers and responsibilities of the superintendent of public instruction or state board of education under RCW 28A.04-.120 and 28A.70.005; (c) apply to or interfere in any way with the practice of religion or to any kind of treatment by prayer; (d) apply to any remedial or technical amendments to any statutes which licensed or regulated activity before the effective date of this section; and (e) apply to proposals relating solely to continuing education. The legislature believes that all individuals should be permitted to enter into a business profession unless there is an overwhelming need for the state to protect the interests of the public by restricting entry into the profession. Where such a need is identified, the regulation adopted by the state should be set at the least restrictive level consistent with the public interest to be protected.

(2) It is the intent of this chapter that no regulation shall be imposed upon any business profession except for the exclusive purpose of protecting the public interest. All bills introduced in the legislature to regulate a business profession for the first time should be reviewed

according to the following criteria. A business profession should be regulated by the state only when:

(a) Unregulated practice can clearly harm or endanger the health, safety, or welfare of the public, and the potential for the harm is easily recognizable and not remote or dependent upon tenuous argument;

(b) The public needs and can reasonably be expected to benefit from an assurance of initial and continuing professional ability; and

(c) The public cannot be effectively protected by other means in a more cost-beneficial manner.

(3) After evaluating the criteria in subsection (2) of this section and considering governmental and societal costs and benefits, if the legislature finds that it is necessary to regulate a business profession not previously regulated by law, the least restrictive alternative method of regulation should be implemented, consistent with the public interest and this section:

(a) Where existing common law and statutory civil actions and criminal prohibitions are not sufficient to eradicate existing harm, the regulation should provide for stricter civil actions and criminal prosecutions;

(b) Where a service is being performed for individuals involving a hazard to the public health, safety, or welfare, the regulation should impose inspection requirements and enable an appropriate state agency to enforce violations by injunctive relief in court, including, but not limited to, regulation of the business activity providing the service rather than the employees of the business;

(c) Where the threat to the public health, safety, or economic well-being is relatively small as a result of the operation of the business profession, the regulation should implement a system of registration;

(d) Where the consumer may have a substantial basis for relying on the services of a practitioner, the regulation should implement a system of certification; or

(e) Where apparent that adequate regulation cannot be achieved by means other than licensing, the regulation should implement a system of licensing.

**NEW SECTION.** Sec. 5. The definitions contained in this section shall apply throughout sections 4 through 7 of this act unless the context clearly requires otherwise.

(1) "Applicant group" includes any business professional group or organization, any individual, or any other interested party which proposes that any business professional group not presently regulated be regulated or which proposes legislation to substantially increase the scope of practice or the level of regulation of the profession.

(2) "Business professions" means those business occupations or professions which are not health professions under chapter 18.120 RCW and includes, in addition to real estate brokers and salespersons under chapter 18.85 RCW, the following professions and occupations: Accountancy under chapter 18.04 RCW; architects under chapter 18.08 RCW; auctioneering under chapter 18.11 RCW; cosmetologists, barbers, and manicurists under chapter 18.16 RCW; contractors under chapter 18.27 RCW; debt adjusting under chapter 18.28 RCW; engineers and surveyors under chapter 18.43 RCW; escrow agents under chapter 18.44 RCW; landscape architects under chapter 18.96 RCW; water well construction under chapter 18.104 RCW; plumbers under chapter 18.106 RCW; and art dealers under chapter 18.110 RCW.

(3) "Certificate" and "certification" mean a voluntary process by which a statutory regulatory entity grants recognition to an individual who (a) has met certain prerequisite qualifications specified by that regulatory entity, and (b) may assume or use "certified" in the title or designation to perform prescribed professional tasks.

(4) "Grandfather clause" means a provision in a regulatory statute applicable to practitioners actively engaged in the regulated profession prior to the effective date of the regulatory statute which exempts the practitioners from meeting the prerequisite qualifications set forth in the regulatory statute to perform prescribed occupational tasks.

(5) "Inspection" means the periodic examination of practitioners by a state agency in order to ascertain whether the practitioners' occupation is being carried out in a fashion consistent with the public health, safety, and welfare.

(6) "Legislative committees of reference" means the standing legislative committees designated by the respective rules committees of the senate and house of representatives to consider proposed legislation to regulate business professions not previously regulated.

(7) "License", "licensing", and "licensure" mean permission to engage in a business profession which would otherwise be unlawful in the state in the absence of the permission. A license is granted to those individuals who meet prerequisite qualifications to perform prescribed professional tasks and for the use of a particular title.

(8) "Professional license" means an individual, nontransferable authorization to carry on an activity based on qualifications which include: (a) Graduation from an accredited or approved program, and (b) acceptable performance on a qualifying examination or series of examinations.

(9) "Practitioner" means an individual who (a) has achieved knowledge and skill by practice, and (b) is actively engaged in a specified business profession.

(10) "Public member" means an individual who is not, and never was, a member of the business profession being regulated or the spouse of a member, or an individual who does not have and never has had a material financial interest in either the rendering of the business' professional service being regulated or an activity directly related to the profession being regulated.

(11) "Registration" means the formal notification which, prior to rendering services, a practitioner shall submit to a state agency setting forth the name and address of the practitioner; the location, nature and operation of the business activity to be practiced; and, if required by the regulatory entity, a description of the service to be provided.

(12) "Regulatory entity" means any board, commission, agency, division, or other unit or subunit of state government which regulates one or more professions, occupations, industries, businesses, or other endeavors in this state.

(13) "State agency" includes every state office, department, board, commission, regulatory entity, and agency of the state, and, where provided by law, programs and activities involving less than the full responsibility of a state agency.

**NEW SECTION.** Sec. 6. After the effective date of this section, if appropriate, applicant groups shall explain each of the following factors to the extent requested by the legislative committees of reference:

(1) A definition of the problem and why regulation is necessary:

(a) The nature of the potential harm to the public if the business profession is not regulated, and the extent to which there is a threat to public health and safety;

(b) The extent to which consumers need and will benefit from a method of regulation identifying competent practitioners, indicating typical employers, if any, of practitioners in the profession; and

(c) The extent of autonomy a practitioner has, as indicated by:

(i) The extent to which the profession calls for independent judgment and the extent of skill or experience required in making the independent judgment; and

(ii) The extent to which practitioners are supervised;

(2) The efforts made to address the problem:

(a) Voluntary efforts, if any, by members of the profession to:

(i) Establish a code of ethics; or

(ii) Help resolve disputes between practitioners and consumers; and

(b) Recourse to and the extent of use of applicable law and whether it could be strengthened to control the problem;

(3) The alternatives considered:

(a) Regulation of business employers or practitioners rather than employee practitioners;

(b) Regulation of the program or service rather than the individual practitioners;

(c) Registration of all practitioners;

(d) Certification of all practitioners;

(e) Other alternatives;

(f) Why the use of the alternatives specified in this subsection would not be adequate to protect the public interest; and

(g) Why licensing would serve to protect the public interest;

(4) The benefit to the public if regulation is granted:

(a) The extent to which the incidence of specific problems present in the unregulated profession can reasonably be expected to be reduced by regulation;

(b) Whether the public can identify qualified practitioners;

(c) The extent to which the public can be confident that qualified practitioners are competent:

(i) Whether the proposed regulatory entity would be a board composed of members of the profession and public members, or a state agency, or both, and, if appropriate, their respective responsibilities in administering the system of registration, certification, or licensure, including the composition of the board and the number of public members, if any; the powers and duties of the board or state agency regarding examinations and for cause revocation, suspension, and nonrenewal of registrations, certificates, or licenses; the promulgation of rules and canons of ethics; the conduct of inspections; the receipt of complaints and disciplinary action taken against practitioners; and how fees would be levied and collected to cover the expenses of administering and operating the regulatory system;

(ii) If there is a grandfather clause, whether such practitioners will be required to meet the prerequisite qualifications established by the regulatory entity at a later date;

(iii) The nature of the standards proposed for registration, certification, or licensure as compared with the standards of other jurisdictions;

(iv) Whether the regulatory entity would be authorized to enter into reciprocity agreements with other jurisdictions; and

(v) The nature and duration of any training including, but not limited to, whether the training includes a substantial amount of supervised field experience; whether training programs exist in this state; if there will be an experience requirement; whether the experience must be



acquired under a registered, certificated, or licensed practitioner; whether there are alternative routes of entry or methods of meeting the prerequisite qualifications; whether all applicants will be required to pass an examination; and, if an examination is required, by whom it will be developed and how the costs of development will be met:

(d) Assurance of the public that practitioners have maintained their competence:

(i) Whether the registration, certification, or licensure will carry an expiration date; and

(ii) Whether renewal will be based only upon payment of a fee, or whether renewal will involve reexamination, peer review, or other enforcement;

(5) The extent to which regulation might harm the public:

(a) The extent to which regulation will restrict entry into the profession:

(i) Whether the proposed standards are more restrictive than necessary to insure safe and effective performance; and

(ii) Whether the proposed legislation requires registered, certificated, or licensed practitioners in other jurisdictions who migrate to this state to qualify in the same manner as state applicants for registration, certification, and licensure when the other jurisdiction has substantially equivalent requirements for registration, certification, or licensure as those in this state; and

(b) Whether there are similar professions to that of the applicant group which should be included in, or portions of the applicant group which should be excluded from, the proposed legislation;

(6) The maintenance of standards:

(a) Whether effective quality assurance standards exist in the profession, such as legal requirements associated with specific programs that define or enforce standards, or a code of ethics; and

(b) How the proposed legislation will assure quality:

(i) The extent to which a code of ethics, if any, will be adopted; and

(ii) The grounds for suspension or revocation of registration, certification, or licensure;

(7) A description of the group proposed for regulation, including a list of associations, organizations, and other groups representing the practitioners in this state, an estimate of the number of practitioners in each group, and whether the groups represent different levels of practice; and

(8) The expected costs of regulation:

(a) The impact registration, certification, or licensure will have on the costs of the services to the public; and

(b) The cost to the state and to the general public of implementing the proposed legislation.

NEW SECTION. Sec. 7. Applicant groups shall submit a written report explaining the factors enumerated in section 6 of this act to the legislative committees of reference. Applicant groups, other than state agencies created prior to the effective date of this section, shall submit copies of their written report to the department of licensing for review and comment. The department of licensing shall make recommendations based on the report to the extent requested by the legislative committees.

Sec. 8. Section 28A.45.010, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 93, Laws of 1981 and RCW 82.45.010 are each amended to read as follows:

As used in this chapter, the term "sale" shall have its ordinary meaning and shall include any conveyance, grant, assignment, quitclaim, or transfer of the ownership of or title to real property, including standing timber, or any estate or interest therein for a valuable consideration, and any contract for such conveyance, grant, assignment, quitclaim, or transfer, and any lease with an option to purchase real property, including standing timber, or any estate or interest therein or other contract under which possession of the property is given to the purchaser, or any other person by his direction, which title is retained by the vendor as security for the payment of the purchase price.

The term shall not include a transfer by gift, devise, or inheritance, a transfer of any leasehold interest other than of the type mentioned above, a cancellation or forfeiture of a vendee's interest in a contract for the sale of real property, whether or not such contract contains a forfeiture clause, or deed in lieu of foreclosure of a mortgage or the assumption by a grantee of the balance owing on an obligation which is secured by a mortgage or deed in lieu of forfeiture of the vendee's interest in a contract of sale where no consideration passes otherwise or a transfer where no consideration passes to the vendor other than relief from debt for which the property transferred has been used as security, or the partition of property by tenants in common by agreement or as the result of a court decree, any transfer, conveyance, or assignment of property or interest in property from one spouse to the other in accordance with the terms of a decree of divorce or in fulfillment of a property settlement agreement incident thereto, the assignment or other transfer of a vendor's interest in a contract for the sale of real property, even though accompanied by a conveyance of the vendor's interest in the real property involved, transfers by appropriation or decree in condemnation proceedings brought by the United States, the state or any political subdivision thereof, or a municipal corporation, a mortgage or other transfer of an interest in real property merely to secure a debt, or the assignment

thereof, any transfer or conveyance made pursuant to an order of sale by the court in any mortgage or lien foreclosure proceeding or upon execution of a judgment, or deed in lieu of foreclosure to satisfy a mortgage, a conveyance to the federal housing administration or veterans administration by an authorized mortgagee made pursuant to a contract of insurance or guaranty with the federal housing administration or veterans administration, nor a transfer in compliance with the terms of any lease or contract upon which the tax as imposed by this chapter has been paid or where the lease or contract was entered into prior to the date this tax was first imposed, nor the sale of any grave or lot in an established cemetery, nor a sale by or to the United States, this state or any political subdivision thereof, or a municipal corporation of this state.

The term sale shall further not include a transfer to a corporation or partnership which is wholly owned by the transferor and/or the transferor's spouse or children: PROVIDED, That if thereafter such transferee corporation or partnership voluntarily transfers such real property, or such transferor, spouse, or children voluntarily transfer stock in the transferee corporation or interest in the transferee partnership capital, as the case may be, to other than (1) the transferor and/or the transferor's spouse or children, (2) a trust having the transferor and/or the transferor's spouse or children as the only beneficiaries at the time of the transfer to the trust, or (3) a corporation or partnership wholly owned by the original transferor and/or the transferor's spouse or children, within five years of the original transfer to which this exemption applies, excise taxes shall become due and payable on the original transfer as otherwise provided by law.

NEW SECTION, Sec. 9. Sections 4 through 7 of this act are each added to chapter 18.85 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. There is appropriated from the general fund to the department of licensing for the biennium ending June 30, 1989, the sum of eighty-four thousand three hundred seventy-two dollars, or so much thereof as may be necessary, to carry out the purposes of sections 4 through 7 of this act."

On page 1, line 1 of the title, after "salesmen;" strike the remainder of the title and insert "amending RCW 18.85.215 and 82.45.010; adding new sections to chapter 18.85 RCW; creating a new section; and making an appropriation."

Signed by: Senators Warnke, McCaslin, Tanner; Representatives Wang, Cole, Patrick.

#### MOTION

On motion of Senator Vognild, the Second Report of the Conference Committee on Engrossed House Bill No. 435 was adopted and the committee was granted the powers of Free Conference.

#### REPORT OF CONFERENCE COMMITTEE

RE: SHB 542

Prohibiting placement of traps on private property without permission.

April 24, 1987

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom the above measure was referred, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the measure as follows:

The Senate Natural Resources Committee amendments be adopted with the following changes:

On page 1, line 19, of the amendment, after "trapper" strike "without permission from the owner"

On page 1, line 23, of the amendment, after "with" insert "either the game department identification number of the trapper or"

On page 1, after line 26, insert the following:

"When an individual presents a trapper identification number to the department of game and requests identification of the trapper, the department of game shall provide the individual with the name and address of the trapper. Prior to disclosure of the trapper's name and address, the department of game shall obtain the name and address of the requesting individual in writing and after disclosing the trapper's name and address to the requesting individual, the requesting individual's name and address shall be disclosed in writing to the trapper whose name and address was disclosed."

On page 3, line 9, of the amendment, after "tenant" strike everything through "dollars," on line 13 and insert "where the land is improved and apparently used, or where the land is fenced or enclosed in a manner designed to exclude intruders or to indicate a property boundary line, or where notice is given by posting in a conspicuous manner, is guilty of the misdemeanor of trespass as defined and established in RCW 9A.52.010 and 9A.52.080 and shall be punished for each offense by a fine of not less than two hundred fifty dollars."

On page 4, beginning on line 6, strike "written"

On page 4, line 7 of the amendment, after "tenant" insert "where the land is improved and apparently used, or where the land is fenced or enclosed in a manner designed to exclude intruders or to indicate a property boundary line, or where notice is given by posting in a conspicuous manner"

On page 4, line 19 of the amendment, after "commission" strike "shall" and insert "may"

Signed by: Senators Owen, Cantu, DeJarnatt; Representatives Sutherland, Meyers, Amondson.

#### MOTION

On motion of Senator Vognild, the Report of the Conference Committee on Substitute House Bill No. 542 was adopted and the committee was granted the powers of Free Conference.

#### REPORT OF CONFERENCE COMMITTEE

RE: 2SHB 684

Revising provisions relating to criminal sentencing.

April 25, 1987

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom the above measure was referred, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the measure as follows:

The Senate Ways and Means Committee amendments be adopted with the following changes:

On page 17, after line 28, strike all material down to and including "felony," on page 18, line 8

Renumber the remaining sections accordingly

On page 18, after line 8, strike all material down to and including "felony," on line 22

Renumber the remaining sections accordingly

On page 18, after line 22, strike all material down to and including "homicide," on line 29

Renumber the remaining sections accordingly

On page 20, after line 4, strike all of subsection "(8)"

On page 21, after line 17, strike "Homicide by abuse (section 7 of this 1987 act)"

On page 24, after line 9, strike all of Sec. 17., and renumber the remaining sections consecutively

On page 40, after line 21, strike all of Sec. 29., and renumber the remaining sections consecutively

On page 41, after line 16, strike all of NEW SECTION, Sec. 30., and renumber the remaining sections consecutively

On page 41, after line 23, strike all of NEW SECTION, Sec. 31., and renumber the remaining sections consecutively

On page 41, after line 27, strike all of Sec. 32., and renumber the remaining sections consecutively

On page 44, after line 16, strike all of Sec. 33., and renumber the remaining sections consecutively

On page 45, after line 10, strike all of Sec. 34., and renumber the remaining sections consecutively

On page 45, after line 27, strike all of Sec. 35., and renumber the remaining sections consecutively

On page 58, after line 34, strike all of subsection (7) and renumber the remaining subsection accordingly

On page 59, after line 7, strike all material down to and including "1988." on line 11

On page 59, line 17, after "9A.44.060," strike "9A.32.010."

On page 59, line 18, after "9.94A.370," strike "9.94A.390."

On page 59, line 18, after "9.94A.44.440," strike "9A.46.060."

On page 59, line 19, after "70.125.030," strike "9.41.010, 9.41.300, 46.20.285, 46.61.520."

On page 59, line 19, strike "46.61.522."

On page 59, line 22, after "RCW;" strike "adding a new section to chapter 9A.32 RCW;"

On page 59, line 23, after "9A.44 RCW;" strike "adding a new section to chapter 9.41 RCW; adding a new section to chapter 43.101 RCW;"

On page 59, line 28, after "date;" insert "and"

On page 59, line 28, after "expiration dates" strike "; and declaring an emergency"

Signed by: Senators Talmadge, Nelson, Halsan; Representatives Cooper, Brough.

#### MOTION

On motion of Senator Vognild, the Report of the Conference Committee on Second Substitute House Bill No. 684 was adopted and the committee was granted the powers of Free Conference.

#### MESSAGE FROM THE HOUSE

April 25, 1987

Mr. President:

The House has adopted the Report of the Conference Committee on SENATE BILL NO. 5172 and has granted said committee the powers of Free Conference. The Report of the Conference Committee is herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

#### REPORT OF CONFERENCE COMMITTEE

RE: SB 5172

Revising provisions relating to victims and witnesses of crimes.

April 25, 1987

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom the above measure was referred, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the measure as follows:

The House amendment by Representative McMullen on page 4, after line 3, be adopted with the following change:

On page 1 of the amendment, line 21, after "43.08.250." insert "Moneys deposited under this section shall be used to compensate victims of crimes through the crime victims compensation fund."

The Senate Bill be further amended as follows:

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 was the result of vehicular homicide under RCW 46.61.520, or a conviction of vehicular assault under RCW 46.61.522, has been obtained: PROVIDED, That in cases where a probable criminal defendant has died in perpetration of vehicular assault or, because of physical or mental infirmity or disability the perpetrator is incapable of standing trial for vehicular assault, the department may, by a preponderance of the evidence, establish that a vehicular assault had been committed and authorize benefits;

(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.

**NEW SECTION.** Sec. 6. The 1987 amendments to RCW 7.68.020 by section 5 of this act apply only to vehicular assault under RCW 46.61.522 or vehicular homicide under RCW 46.61.520 that occurs after the effective date of this section.

Sec. 7. 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 thousand dollars ~~((may)) shall~~ be granted as a result of ~~((any)) a~~ single injury or death, except that benefits granted as the result of total permanent disability or death shall not exceed twenty thousand dollars.

(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 sections consecutively and correct internal references accordingly.

On page 1, line 2 of the title, after "9.94A.142," strike "and 13.40.190;" and insert "13.40.190, 7.68.020, and 7.68.070; creating a new section:"

Signed by: Senators Talmadge, Halsan, Nelson; Representatives Locke, Scott, Padden.

#### MOTION

On motion of Senator Vognild, the Report of the Conference Committee on Senate Bill No. 5172 was adopted and the committee was granted the powers of Free Conference.

#### MESSAGE FROM THE HOUSE

April 24, 1987

Mr. President:

The House refuses to concur in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 451 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives H. Sommers, Ebersole and Taylor.

SHARON L. CASE, Assistant Chief Clerk

#### MOTION

On motion of Senator Vognild, the Senate granted the request of the House for a conference on Engrossed Substitute House Bill No. 451 and the Senate amendments thereto.

#### APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute House Bill No. 451 and the Senate amendments thereto: Senators Fleming, Benitz and Gaspard.

#### MOTION

On motion of Senator Vognild, the Conference Committee appointments were confirmed.

#### MESSAGE FROM THE HOUSE

April 25, 1987

Mr. President:

The House refuses to recede from its amendments to ENGROSSED SENATE BILL NO. 5546 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Armstrong, Locke and Padden.

SHARON L. CASE, Assistant Chief Clerk

#### MOTION

On motion of Senator Vognild, the Senate granted the request of the House for a conference on Engrossed Senate Bill No. 5546 and the House amendments thereon.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Senate Bill No. 5546 and the House amendments thereto: Senators Talmadge, Nelson and Halsan.

## MOTION

On motion of Senator Vognild, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

April 25, 1987

Mr. President:

The House concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 984, and passed the bill as amended by the Senate.

SHARON L. CASE, Assistant Chief Clerk

## MESSAGE FROM THE HOUSE

April 25, 1987

Mr. President:

The House has adopted the Report of the Conference Committee on ENGROSSED HOUSE BILL NO. 713 and has passed the bill as recommended by the Conference Committee.

SHARON L. CASE, Assistant Chief Clerk

## MESSAGE FROM THE HOUSE

April 25, 1987

Mr. President:

The House has adopted the Report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 931 and has passed the bill as recommended by the Conference Committee.

SHARON L. CASE, Assistant Chief Clerk

## MESSAGE FROM THE HOUSE

April 25, 1987

Mr. President:

The House concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 432, and passed the bill as amended by the Senate.

SHARON L. CASE, Assistant Chief Clerk

## MESSAGE FROM THE HOUSE

April 25, 1987

Mr. President:

The House concurred in the Senate amendment to HOUSE BILL NO. 279, and passed the bill as amended by the Senate.

SHARON L. CASE, Assistant Chief Clerk

## MESSAGE FROM THE HOUSE

April 25, 1987

Mr. President:

The House has adopted the Report of the Free Conference Committee on SUBSTITUTE HOUSE BILL NO. 116 and has passed the bill as amended by the Free Conference Committee.

SHARON L. CASE, Assistant Chief Clerk

## MESSAGE FROM THE HOUSE

April 25, 1987

Mr. President:

The House has adopted the Report of the Free Conference Committee on HOUSE BILL NO. 135 and has passed the bill as amended by the Free Conference Committee.

SHARON L. CASE, Assistant Chief Clerk



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

MESSAGE FROM THE GOVERNOR

April 25, 1987

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on April 25, 1987, Governor Gardner approved the following Senate Bills entitled:

Senate Bill No. 5002

Relating to the committee on judicial conduct.

Senate Bill No. 5032

Relating to antique slot machines.

Substitute Senate Bill No. 5089

Relating to homicide by abuse.

Substitute Senate Bill No. 5130

Relating to club class H licensees' authority to sell liquor by the bottle to registered guests for consumption in guest rooms, hospitality rooms, or at banquets in the club/removal premises.

Substitute Senate Bill No. 5150

Relating to the portability of public employment retirement benefits.

Senate Bill No. 5194

Relating to fees under the Uniform Commercial Code.

Senate Bill No. 5248

Relating to model curriculum programs or curriculum guidelines.

Senate Bill No. 5412

Relating to privileged communications for osteopathic registered nurses.

Senate Bill No. 5413

Relating to state highways.

Senate Bill No. 5416

Relating to limited access facilities.

Senate Bill No. 5469

Relating to obsolete statutory references.

Senate Bill No. 5642

Relating to food services programs administered through the office of the superintendent of public instruction.

Substitute Senate Bill No. 5717

Relating to reporting by nonprofit corporations.

Substitute Senate Bill No. 5824

Relating to assault at state corrections institutions and local detention facilities.

Senate Bill No. 5861

Relating to exempting small passenger vessels from certain provisions of chapter 88.16 RCW.

Senate Bill No. 5936

Relating to duties of lobbyists.

Sincerely,

TERRY SEBRING, Legal Counsel to the Governor

MOTION

At 7:37 p.m., on motion of Senator Vognild, the Senate adjourned until 12:00 noon, Sunday, April 26, 1987.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

## ONE HUNDRED-FIFTH DAY

---

### NOON SESSION

---

Senate Chamber, Olympia, Sunday, April 26, 1987

The Senate was called to order at 12:00 noon by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Bender, Lee, McCaslin, McDermott, Moore, Pullen and Sellar. On motion of Senator Zimmerman, Senators Lee, Pullen and Sellar were excused. On motion of Senator Vognild, Senators Bender, McDermott and Moore were excused.

The Sergeant at Arms Color Guard, consisting of Pages Amanda Markle and Scott Eschels, presented the Colors. Reverend Richard Hart, senior pastor of the First Baptist Church of Olympia, offered the prayer.

#### MOTION

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

#### MESSAGE FROM THE HOUSE

April 25, 1987

Mr. President:

The House has adopted the Report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 927 and has passed the bill as recommended by the Conference Committee.

ALAN THOMPSON, Chief Clerk

#### MESSAGE FROM THE HOUSE

April 25, 1987

Mr. President:

The House has adopted the Report of the Free Conference Committee on SUBSTITUTE HOUSE BILL NO. 1158 and has passed the bill as amended by the Free Conference Committee.

SHARON L. CASE, Assistant Chief Clerk

#### MESSAGE FROM THE HOUSE

April 25, 1987

Mr. President:

The House has adopted the Report of the Free Conference Committee on SUBSTITUTE HOUSE BILL NO. 773 and has passed the bill as amended by the Free Conference Committee.

ALAN THOMPSON, Chief Clerk

#### MESSAGE FROM THE HOUSE

April 25, 1987

Mr. President:

The House has adopted the Report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 83 and has passed the bill as recommended by the Conference Committee.

ALAN THOMPSON, Chief Clerk

#### MESSAGE FROM THE HOUSE

April 25, 1987

Mr. President:

The House has adopted the Report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 5163 and has granted said committee the powers Free Conference.

SHARON L. CASE, Assistant Chief Clerk

## MESSAGE FROM THE HOUSE

April 24, 1987

Mr. President:

The House insists on its position regarding the House amendment to ENGROSSED SENATE BILL NO. 5120 and asks the Senate to concur, and the bill and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Halsan, the Senate concurred in the House amendment to Engrossed Senate Bill No. 5120.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 5120, as amended by the House.

## POINT OF INQUIRY

Senator Rasmussen: "Senator Halsan, the House amendment struck the portion of the Senate amendment that said that you could use your credit card when buying licenses?"

Senator Halsan: "I believe that's true, Senator Rasmussen."

Senator Rasmussen: "The other bill did pass though instructing the Department of General Administration to set a program in force for using credit cards?"

Senator Halsan: "I believe so."

Senator Rasmussen: "I think that was your bill."

Senator Halsan: "Yes, the Department of General Administration bill that was my bill was the one that would allow them to enter into contracts with various different credit card offerers for purposes of the state using credit cards."

Further debate ensued.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 5120, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 40; nays, 1; absent, 2; excused, 6.

Voting yea: Senators Anderson, Bailey, Bauer, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Smitherman, Stratton, Talmadge, Tanner, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 40.

Voting nay: Senator Barr - 1.

Absent: Senators Fleming, McCaslin - 2.

Excused: Senators Bender, Lee, McDermott, Moore, Pullen, Sellar - 6.

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.

## MESSAGE FROM THE HOUSE

April 25, 1987

Mr. President:

The House has adopted the Report of the Conference Committee on ENGROSSED SENATE BILL NO. 5463 and has granted said committee the powers of Free Conference. The Report of the Conference Committee is herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

## REPORT OF CONFERENCE COMMITTEE

RE: ESB 5463

Establishing a program to increase student's awareness of other nations.

April 25, 1987

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom the above measure was referred, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the bill as follows:

The House Ways and Means Committee amendment be adopted with the following change:

"On page 3 of the engrossed amendment, after line 5, strike all the material down to and including "purpose." on line 22 and insert "The superintendent of public instruction may grant funds to selected school districts for purposes of developing and implementing international education programs. 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."

Signed by: Senators Fleming, Gaspard; Representatives Ebersole, Locke.

#### MOTION

On motion of Senator Vognild, the Report of the Conference Committee on Engrossed Senate Bill No. 5463 was adopted and the committee was granted the powers of Free Conference.

#### MESSAGE FROM THE HOUSE

April 25, 1987

Mr. President:

The House insists on its position regarding the House amendments to SUBSTITUTE SENATE BILL NO. 5854 and again asks the Senate for a conference thereon, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

On motion of Senator Vognild, the Senate granted the request of the House for a conference on Substitute Senate Bill No. 5854 and the House amendments thereto.

#### APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute Senate Bill No. 5854 and the House amendments thereto: Senators Moore, Johnson and Kreidler.

#### MOTION

On motion of Senator Vognild, the Conference Committee appointments were confirmed.

#### MESSAGE FROM THE HOUSE

April 25, 1987

Mr. President:

The House refuses to concur in the Senate amendments to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 758 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Sutherland, Belcher and B. Williams.

SHARON L. CASE, Assistant Chief Clerk

#### MOTION

On motion of Senator Vognild, the Senate granted the request of the House for a conference on Engrossed Second Substitute House Bill No. 758 and the Senate amendments thereto.

#### APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Second Substitute House Bill No. 758 and the Senate amendments thereto: Senators Owen, Metcalf and DeJarnatt.

#### MOTION

On motion of Senator Vognild, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

April 25, 1987

Mr. President:

The House has adopted the Report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 5001 and has passed the bill as recommended by the Conference Committee. The Report of the Conference Committee is herewith transmitted.

ALAN THOMPSON, Chief Clerk

## REPORT OF CONFERENCE COMMITTEE

RE: ESSB 5001

Revising the judicial council.

April 24, 1987

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom the above measure was referred, have had the same under consideration and we recommend that the bill be amended as follows:

The House Committee amendment be adopted with the following change:

On page 2, line 18 of the House Judiciary Committee amendment, after "(5)" strike everything through "(6)" (" on line 20, and insert "~~(The dean of each recognized school of law within this state.)~~"

Renumber the remaining subsections consecutively

Signed by: Senators Talmadge, Halsan, Newhouse; Representatives Hargrove, Crane.

## MINORITY REPORT OF CONFERENCE COMMITTEE

RE: ESSB 5001

Revising the judicial council.

April 24, 1987

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom the above measure was referred, have had the same under consideration and recommend:

DO NOT PASS.

Signed by: Representative Padden.

## MOTION

On motion of Senator Talmadge, the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 5001 was adopted.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 5001, as recommended by the Conference Committee.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 5001, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 44; absent, 1; excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Seilar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 44.

Absent: Senator McCaslin - 1.

Excused: Senators Bender, Lee, McDermott, Pullen - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5001, as recommended by the Conference Committee, having received the 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 HOUSE

April 25, 1987

Mr. President:

The House has adopted the Report of the Free Conference Committee on ENGROSSED SENATE BILL NO. 5035 and has passed the bill as amended by the Free Conference Committee. The Report of the Free Conference Committee is herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

## MOTION

On motion of Senator Zimmerman, Senator McCaslin was excused.

## REPORT OF FREE CONFERENCE COMMITTEE

RE: ESB 5035

Extending the interagency committee for outdoor recreation.

April 24, 1987

Mr. President:

Mr. Speaker:

We of your Free Conference Committee, to whom the above measure was referred, have had the same under consideration and we recommend that the measure be amended as proposed under the request of Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on Engrossed Senate Bill No. 5035, read in on April 25, 1987.)

Signed by: Senators Kreidler, Rinehart, Kiskaddon; Representatives Sommers, Hankins, Peery.

## MOTION

On motion of Senator Kreidler, the Report of the Free Conference Committee on Engrossed Senate Bill No. 5035 was adopted.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 5035, as amended by the Free Conference Committee.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 5035, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 43; absent, 1; excused, 5.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Taimadge, Vogndild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 43.

Absent: Senator Tanner - 1.

Excused: Senators Bender, Lee, McCaslin, McDermott, Pullen - 5.

ENGROSSED SENATE BILL NO. 5035, as amended by the Free Conference Committee, having received the 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 HOUSE

April 25, 1987

Mr. President:

The House has adopted the Report of the Free Conference Committee on SENATE BILL NO. 5380 and has passed the bill as amended by the Free Conference Committee. The Report of the Free Conference Committee is herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

## REPORT OF FREE CONFERENCE COMMITTEE

RE: SB 5380

Providing cost-of-living adjustment of retirement benefits.

April 24, 1987

Mr. President:

Mr. Speaker:

We of your Free Conference Committee, to whom the above measure was referred, have had the same under consideration and we recommend that the measure be amended as proposed under the request of Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on Senate Bill No. 5380, read in on April 25, 1987.)

Signed by: Senators Gaspard, McDermott, Bailey; Representatives Hine, Unsoeld, Silver.

## MOTION

Senator Gaspard moved that the Report of the Free Conference Committee on Senate Bill No. 5380 be adopted.

## POINT OF INQUIRY

Senator Rasmussen: "Senator Gaspard, when the bill left the Senate it had raised from \$13 to \$15. Is that still in there?"

Senator Gaspard: "No, Senator Rasmussen. You're correct, as it left here, we raised the minimum monthly rate from \$13 to \$15. The House approached it in a different manner. They did raise the minimum level to \$13.50, but then put on a three percent cost of living that would be ongoing. The people who have participated--the retired associations have agreed with the bill and would support it in its current version that is before us with the Free Conference Committee Report."

Further debate ensued.

The President declared the question before the Senate to be the motion by Senator Gaspard to adopt the Report of the Free Conference Committee on Senate Bill No. 5380.

The motion by Senator Gaspard carried and the Report of the Free Conference Committee on Senate Bill No. 5380 was adopted.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5380, as amended by the Free Conference Committee.

## ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5380, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Craswell, Deccio, DeJarmatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 45.

Voting nay: Senator Conner - 1.

Excused: Senators McCaslin, McDermott, Pullen - 3.

SENATE BILL NO. 5380, as amended by the Free Conference Committee, having received the 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 HOUSE

April 25, 1987

Mr. President:

The House refuses to concur in the Senate amendment to HOUSE BILL NO. 277 and again asks the Senate to recede therefrom, and the bill and the amendment are herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

## MOTION

Senator Bender moved that the Senate refuse to recede from the Senate amendment to House Bill No. 277 and once again asks the House to concur therein. Debate ensued.

The President declared the question before the Senate to be the motion by Senator Bender that the Senate refuse to recede from its amendment to House Bill No. 277.

The motion by Senator Bender carried and the Senate refuses to recede from its amendment to House Bill No. 277 and once again asks the House to concur therein.

#### MESSAGE FROM THE HOUSE

April 25, 1987

Mr. President:

The House has adopted the Report of the Free Conference Committee on SENATE BILL NO. 5678 and has passed the bill as amended by the Free Conference Committee. The Report of the Free Conference Committee is herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

#### REPORT OF FREE CONFERENCE COMMITTEE

RE: SB 5678

Providing for tuition waivers for students in the regional education program for deaf students.

April 24, 1987

Mr. President:

Mr. Speaker:

We of your Free Conference Committee, to whom the above measure was referred, have had the same under consideration and we recommend that the measure be amended as proposed under the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on Senate Bill No. 5678, read in on April 25, 1987.)

Signed by: Senators Fleming, Rinehart, Patterson; Representatives Jacobsen, Allen.

#### MOTION

On motion of Senator Rinehart, the Report of the Free Conference Committee on Senate Bill No. 5678 was adopted.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5678, as amended by the Free Conference Committee.

Debate ensued.

#### ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5678, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Boltiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 46.

Excused: Senators McCaslin, McDermott, Pullen - 3.

SENATE BILL NO. 5678, as amended by the Free Conference Committee, having received the 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 HOUSE

April 25, 1987

Mr. President:

The House has adopted the Report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 5846 and has passed the bill as recommended by the Conference Committee. The Report of the Conference Committee is herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk



## REPORT OF CONFERENCE COMMITTEE

RE: SSB 5846Establishing boating safety regulations.

April 25, 1987

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom the above measure was referred, have had the same under consideration and we recommend that the bill be amended as follows:

That the Engrossed House Ways and Means Committee amendment be adopted with the exception of the following:

On page 4 of the adopted committee amendment, after line 31, strike all of Section 5

and the bill do pass as recommended by the Conference Committee.

Signed by: Senators Kreidler, Kiskaddon, Rinehart; Representatives Belcher, Hine, May.

## MOTION

On motion of Senator Kreidler, the Report of the Conference Committee on Substitute Senate Bill No. 5846 was adopted.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5846, as recommended by the Conference Committee.

## ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5846, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 33; nays, 12; absent, 1; excused, 3.

Voting yea: Senators Bailey, Bauer, Bender, Bluechel, Conner, Deccio, DeJarnatt, Fleming, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, Moore, Nelson, Owen, Peterson, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 33.

Voting nay: Senators Anderson, Barr, Benitz, Cantu, Craswell, Garrett, Hayner, McDonald, Metcalf, Newhouse, Patterson, Rasmussen - 12.

Absent: Senator Bottiger - 1.

Excused: Senators McCaslin, McDermott, Pullen - 3.

SUBSTITUTE SENATE BILL NO. 5846, as recommended by the Conference Committee, having received the 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 HOUSE

April 25, 1987

Mr. President:

The House has adopted the Report of the Free Conference Committee on ENGROSSED SENATE BILL NO. 6012 and has passed the bill as amended by the Free Conference Committee. The Report of the Free Conference Committee is herewith transmitted.

ALAN THOMPSON, Chief Clerk

## REPORT OF FREE CONFERENCE COMMITTEE

RE: ESB 6012Revising provisions relating to indecent exposure.

April 24, 1987

Mr. President:

Mr. Speaker:

We of your Free Conference Committee, to whom the above measure was referred, have had the same under consideration and we recommend that the measure be amended as proposed under the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on Engrossed Senate Bill No. 6012, read in on April 25, 1987.)

Signed by: Senators Moore, Tanner, McCaslin; Representatives Crane, Heavey, L. Smith.

#### MOTION

On motion of Senator Talmadge, the Report of the Free Conference Committee on Engrossed Senate Bill No. 6012 was adopted.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 6012, as amended by the Free Conference Committee.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 6012, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 46.

Excused: Senators McCaslin, McDermott, Pullen - 3.

ENGROSSED SENATE BILL NO. 6012, as amended by the Free Conference Committee, having received the 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 HOUSE

April 25, 1987

Mr. President:

The House has adopted the Report of the Conference Committee on SUBSTITUTE HOUSE BILL NO. 419 and has granted said committee the powers of Free Conference. The Report of the Free Conference Committee is herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

#### REPORT OF FREE CONFERENCE COMMITTEE

RE: SHB 419

Providing for administrative determination of paternity.

April 25, 1987

Mr. President:

Mr. Speaker:

We of your Free Conference Committee, to whom the above measure was referred, have had the same under consideration and we recommend the measure be amended as proposed under the request for Free Conference and that the bill do pass as amended by the Free Conference Committee:

(See Report of Conference Committee on Substitute House Bill No. 419 read in on April 25, 1987.)

Signed by: Senators Talmadge, Halsan; Representatives Armstrong, Padden.

#### MOTION

Senator Talmadge moved that the Report of the Free Conference Committee on Substitute House Bill No. 419 be adopted.

#### MOTION

Senator Newhouse moved that the Report of the Free Conference Committee on Substitute House Bill No. 419 not be adopted.

Debate ensued.

The President declared the question before the Senate to be the positive motion by Senator Talmadge to adopt the Report of the Free Conference Committee on Substitute House Bill No. 419.

The motion by Senator Talmadge failed and the Report of the Free Conference Committee on Substitute House Bill No. 419 was not adopted.

Substitute House Bill No. 419 was referred to the Free Conference Committee.

## MESSAGE FROM THE HOUSE

April 25, 1987

Mr. President:

The House has adopted the Report of the Conference Committee on ENGROSSED HOUSE BILL NO. 1034 and has granted said committee the powers of Free Conference. The Report of the Free Conference Committee is herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

## REPORT OF FREE CONFERENCE COMMITTEE

RE: EHB 1034

Establishing the rail development account.

April 24, 1987

Mr. President:

Mr. Speaker:

We of your Free Conference Committee, to whom the above measure was referred, have had the same under consideration and we recommend that the measure be amended as proposed under the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on Engrossed House Bill No. 1034, read in on April 25, 1987.)

Signed by: Senators Hansen, Barr, Bender; Representatives Walk, Fisher, Schmidt.

## MOTION

Senator Hansen moved that the Report of the Free Conference Committee on Engrossed House Bill No. 1034 be adopted.

## POINT OF INQUIRY

Senator Patterson: "Senator Hansen, did I understand from your remarks that the rail transit districts and the levy of taxation to accommodate it would apply only to those districts?"

Senator Hansen: "No, not apply only to those districts. I didn't say that. The whole account--but it will be funded through the Metro systems of these counties that have the big Metro systems."

Senator Patterson: "What is the difference between the way the bill was originally passed?"

Senator Hansen: "I think they put it into a separate account and that was more or less funded from the Transportation Committee. Now, this one puts it underneath the Metro--that will be there with this light rail account and they will be using it. So, it will be part of the Metro system."

Senator Patterson: "One other question, Senator. Does this have any affect on the abandoned railroads all over the state?"

Senator Hansen: "At this time, I don't think they are looking at that part of it. The next bill that we have up, I think is the one that pertains to the abandoned railroads that we are getting into in eastern Washington."

The President declared the question before the Senate to be the motion by Senator Hansen to adopt the Report of the Free Conference Committee on Engrossed House Bill No. 1034.

The motion by Senator Hansen carried and the Report of the Free Conference Committee on Engrossed House Bill No. 1034 was adopted.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 1034, as amended by the Free Conference Committee.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 1034, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 41; nays, 4; absent, 2; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson,

Kiskaddon, Kreidler, Lee, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Smitherman, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 41.

Voting nay: Senators Craswell, Pullen, Saling, Stratton - 4.

Absent: Senators Bottiger, Moore - 2.

Excused: Senators McCaslin, McDermott - 2.

ENGROSSED HOUSE BILL NO. 1034, as amended by the Free Conference Committee, having received the 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 HOUSE

April 25, 1987

Mr. President:

The House has adopted the Report of the Conference Committee on SUBSTITUTE HOUSE BILL NO. 542 and has granted said committee the powers of Free Conference. The Report of the Free Conference Committee is herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

#### REPORT OF FREE CONFERENCE COMMITTEE (CORRECTED REPORT)

RE: SHB 542

Prohibiting placement of traps on private property without permission.

April 24, 1987

Mr. President:

Mr. Speaker:

We of your Free Conference Committee, to whom the above measure was referred, have had the same under consideration and we recommend that the measure be amended as proposed under the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on Substitute House Bill No. 542, read in on April 25, 1987.)

Signed by: Senators Owen, Cantu, DeJarnatt; Representatives Sutherland, Meyers, Amondson.

#### MOTION

Senator Owen moved that the Report of the Free Conference Committee on Substitute House Bill No. 542 be adopted.

Debate ensued.

#### POINT OF INQUIRY

Senator Pullen: "Senator Cantu, why did you take out the word 'written'?"

Senator Cantu: "Senator Pullen, there were a couple of reasons. One is that some members in the House felt that we should take it out, but in consultation with attorneys, the feeling was that two things would happen. Many of the very large, large landowners--the timber companies and people who hold lands in trust simply would not be available to provide that 'written.' Also, the question of liability came up. When you have written permission, it places a different burden on the property owners and there was concern that the written permission might give them a greater degree of exposure of liability charges without the word in there."

Senator Pullen: "Well, how are you going to resolve the problem if there is a dispute? In other words, suppose the trapper contends that he did have permission. In what way can the trapper prove that he had gotten it, or if a homeowner's dog ends up with a leg caught in a trap and the homeowner feels that he or she has been victimized by a trapper who didn't get permission, how is the homeowner now protected?"

Senator Cantu: "Senator Pullen, again, this is part of the reason for the language changes to make it consistent with trespassing laws. Two or three years ago, the trespassing laws were changed. Originally, it used to be the burden of proof was on the property owner to prove that a person was trespassing. The laws were changed; the burden is now upon the trespasser to prove that, indeed, they did have permission. So, the burden of proof is on the people trespassing, rather than the landowners."

## POINT OF INQUIRY

Senator Kiskaddon: "Senator Cantu, I have two reports on my desk. One labelled 4:45 p.m. and one labelled 6:30 p.m. On the one labelled 4:45 p.m., there are amendments on page 1, line 19, line 26, page 2, line 9, and page 4, line 6, and continues on to the next page. The second report only has an amendment on page 2, line 9, and it looks like the first part of the amendment on page 4, line 6. What is the report that we are actually adopting?"

Senator Cantu: "The reason we have the shorter version is that the front page of the original handout had part of the page missing and the intent was to reproduce the front page which had all of this complete. The longer version on the back side is a correct version because earlier, on the top part, there was a change made to the bill that would allow a trapper to use an identification number as well as their name and address, so the version that you have before you is on the back side—is the long version. On the front side is the one that doesn't have the half-page missing that occurred in the reproduction."

The President declared the question before the Senate to be the motion by Senator Owen to adopt the Report of the Free Conference Committee on Substitute House Bill No. 542.

The motion by Senator Owen carried and the Report of the Free Conference Committee on Substitute House Bill No. 542 was adopted.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 542, as amended by the Free Conference Committee.

## ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 542, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognilid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Excused: Senators McCaslin, McDermott - 2.

SUBSTITUTE HOUSE BILL NO. 542, as amended by the Free Conference Committee, having received the 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 HOUSE

April 25, 1987

Mr. President:

The House has adopted the Report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1035 and has granted said committee the powers of Free Conference. The Report of the Free Conference Committee is herewith transmitted.

ALAN THOMPSON, Chief Clerk

## REPORT OF FREE CONFERENCE COMMITTEE

RE: ESHB 1035

Creating the rail development commission.

April 24, 1987

Mr. President:

Mr. Speaker:

We of your Free Conference Committee, to whom the above measure was referred, have had the same under consideration and we recommend that the measure be amended as proposed under the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on Engrossed Substitute House Bill No. 1035, read in on April 25, 1987.)

Signed by: Senators Hansen, Barr, Bender; Representatives Walk, Fisher, Schmidt.

#### MOTION

Senator Bender moved that the Report of the Free Conference Committee on Engrossed Substitute House Bill No. 1035 be adopted.

#### POINT OF INQUIRY

Senator Rasmussen: "Senator Bender, we are establishing another commission. Does this have a sunset date on it?"

Senator Bender: "It states the date when they are supposed to report--by December 1, 1987. There is no sunset, as I can see, on this commission."

Further debate ensued.

#### POINT OF INQUIRY

Senator Rasmussen: "Senator Patterson, we have the Legislative Transportation Committee self-funded out of--not self-funded, but it takes a portion--well it has its own funds out of the transportation budget. That has how many members--fourteen from each House?"

Senator Patterson: "There is one less in the Senate. The House has more members."

Senator Rasmussen: "I was wondering, was any consideration given to having this Transportation Committee from both Houses study the problem independently of setting up another commission?"

Senator Patterson: "Well, Senator, we have had, as I recall, no less than three studies of the LTC on this issue. The last one was about two and a half years ago and we expended about \$150,000 for a high speed rail transit from the Vancouver/Portland area to the border in Canada and on into Canada. We took a look at that report and found that that was pretty extensive and very costly to do on the present track system that exists. This study is going to be trying to address the movement of traffic within the I-5 corridor primarily where the gridlock and all of the other difficulties of an expanding area is coming upon us.

"We felt, first of all, you have to devise a mechanism for funding such a proposal. The first bill we considered, under the questioning of Senator Hansen, provided that the Metro system would be the agency that would start developing the dollars to do it. The other proposal would have been a cost factor for the whole state of Washington. I am suggesting this commission will concentrate its efforts in this gridlock area. I think it's worthwhile. Someday we are going to have to address this issue and I think that this commission should come up with some good ideas that we might be able to adopt. The other one, we could not, but those studies will all be included in their study as to what the costs were."

Further debate ensued.

The President declared the question before the Senate to be the motion by Senator Bender to adopt the Report of the Free Conference Committee on Engrossed Substitute House Bill No. 1035.

The motion by Senator Bender carried and the Report of the Free Conference Committee on Engrossed Substitute House Bill No. 1035 was adopted.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 1035, as amended by the Free Conference Committee.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 1035, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 41; nays, 6; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Rinehart, Sellar, Smitherman, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 41.

Voting nay: Senators Craswell, Pullen, Rasmussen, Saling, Stratton, Zimmerman - 6.

Excused: Senators McCaslin, McDermott - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1035, as amended by the Free Conference Committee, having received the 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 HOUSE

April 16, 1987

Mr. President:

The House has passed SENATE BILL NO. 6053 with the following amendments:

On page 2, after line 27, insert the following:

\*Sec. 3. 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.

(4) Establish direct student service programs for school districts within the educational service district including pupil transportation. However, for the provision of state-funded pupil transportation for special education cooperatives programs for special education conducted under chapter 28A.13 RCW, the educational service district, with the consent of the participating school districts, shall be entitled to receive directly state apportionment funds for that purpose: 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.

Sec. 4. Section 6, chapter 265, Laws of 1981 and RCW 28A.41.540 are each amended to read as follows:

The superintendent shall determine the vehicle acquisition allocation in the following manner:

(1) By May 1st of each year, the superintendent shall develop preliminary categories of student transportation vehicles to ensure adequate student transportation fleets for districts. The superintendent shall take into consideration the types of vehicles purchased by individual school districts in the state. The categories shall include, but not be limited to, variables such as vehicle capacity, type of chassis, type of fuel, engine and body type, special equipment, and life of vehicle. The categories shall be developed in conjunction with the local districts and shall be applicable to the following school year. The categories shall be designed to produce minimum long-range operating costs, including costs of equipment and all costs incurred in operating the vehicles. Each category description shall include the estimated state-determined purchase price, which shall be based on the actual costs of the vehicles purchased for that comparable category in the state during the preceding twelve months and the anticipated market price for the next school fiscal year. By June 15th of each year, the superintendent shall notify districts of the preliminary vehicle categories and state-determined purchase price for the ensuing school year. By October 15th of each year, the superintendent shall finalize the categories and the associated state-determined purchase price and shall notify districts of any changes. While it is the responsibility of each district to select each student transportation vehicle to be purchased by the district, each district shall be paid a sum based only on the amount of the state-determined purchase price and inflation as recognized by the reimbursement schedule established in this section as set by the superintendent for the category of vehicle purchased.

(2) The superintendent shall develop a reimbursement schedule to pay districts for the cost of student transportation vehicles purchased after September 1, 1982. The accumulated value of the payments and the potential investment return thereon shall be designed to be equal to

the replacement value of the vehicle less its salvage value at the end of its anticipated lifetime. The superintendent shall revise at least annually the reimbursement payments based on the current and anticipated future cost of comparable categories of transportation equipment. Reimbursements to school districts for approved transportation equipment shall be placed in a separate vehicle transportation fund established for each school district under RCW 28A.58.428. However, educational service districts providing student transportation services pursuant to RCW 28A.21.086(4) and receiving moneys generated pursuant to this section shall establish and maintain a separate vehicle transportation account in the educational service district's general expense fund for the purposes and subject to the conditions under RCW 28A.58.428 and 28A.58.430.

(3) To the extent possible, districts shall operate vehicles acquired under this section not less than the number of years or useful lifetime now, or hereafter, assigned to the class of vehicles by the superintendent. School districts shall properly maintain the transportation equipment acquired under the provisions of this section, in accordance with rules established by the office of the superintendent of public instruction. If a district fails to follow generally accepted standards of maintenance and operation, the superintendent of public instruction shall penalize the district by deducting from future reimbursements under this section an amount equal to the original cost of the vehicle multiplied by the fraction of the useful lifetime or miles the vehicle failed to operate.

(4) The superintendent shall annually develop a depreciation schedule to recognize the cost of depreciation to districts contracting with private carriers for student transportation. Payments on this schedule shall be a straight line depreciation based on the original cost of the appropriate category of vehicle."

On page 1, line 2 of the title, strike "and" and insert a comma

On page 1, line 2 of the title, after "28A.21.310" insert ", 28A.21.086, and 28A.41.540".

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

Senator Gaspard moved that the Senate do concur in the House amendments to Senate Bill No. 6053.

#### POINT OF INQUIRY

Senator Rasmussen: "Senator Gaspard, I voted no on this originally and that's neither here nor there, but on this Educational Service District, is this limited to the one in Vancouver that wanted this or is this state wide for the Educational Service District?"

Senator Gaspard: "Yes, Senator Rasmussen, this would not be limited to the ESD in Vancouver, it would be available to all ESDs in the state of Washington and the school districts if they choose to combine their resources and operate a transportation system for the handicapped children."

Senator Rasmussen: "Well, this provides that ESDs can directly receive state appropriated funds for that purpose?"

Senator Gaspard: "That would be true only if the local school districts agree to that."

Further debate ensued.

#### POINT OF INQUIRY

Senator Metcalf: "Senator Bauer, this includes more than just transportation? This is all services or just transportation for the ESDs?"

Senator Bauer: "This is a transportation co-op--authorizing a transportation co-op. School districts now may enter into agreements among each other, between each other in the form of an ESD, in the form of a co-op, now to do specific things. As a matter of fact, in my ESD, because most of those little school districts out there can't afford a special education teacher--maybe a teacher of the blind or deaf or whatever--they will have one teacher out of the ESD and collectively, they finance that teacher. It's not an additional bunch of money, necessarily. In this case, they may get the funding from the SPI or support for the funding like any other school district would, but what it is, is collective permission or agreement among all of them to focus in on that transportation to make it less costly and more available. So, that's what the target is here."

Further debate ensued.



The President declared the question before the Senate to be the motion by Senator Gaspard that the Senate do concur in the House amendments to Senate Bill No. 6053.

The motion by Senator Gaspard carried and the Senate concurred in the House amendments to Senate Bill No. 6053.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 6053, as amended by the House.

#### ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 6053, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 40; nays, 5; absent, 2; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Lee, McDonald, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Zimmerman - 40.

Voting nay: Senators Anderson, Craswell, Metcalf, Rasmussen, Wojahn - 5.

Absent: Senators Bottiger, Kreidler - 2.

Excused: Senators McCaslin, McDermott - 2.

SENATE BILL NO. 6053, 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 HOUSE

April 25, 1987

Mr. President:

The House refuses to recede from its amendments to SUBSTITUTE SENATE BILL NO. 5115 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Meyers, Lux and Silver.

SHARON L. CASE, Assistant Chief Clerk

#### MOTION

On motion of Senator Vognild, the Senate insists on its position regarding the House amendments to Substitute Senate Bill No. 5115, refuses to grant a conference and once again asks the House to recede therefrom.

There being no objection, the Senate resumed consideration of Substitute House Bill No. 359, deferred April 23, 1987, after the motion carried for reconsideration of the motion to grant the powers of Free Conference.

#### MOTION

Senator Rasmussen moved that the Senate do recede from its amendments to Substitute House Bill No. 359.

Debate ensued.

Senator Bottiger demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Rasmussen that the Senate do recede from its amendments to Substitute House Bill No. 359.

#### ROLL CALL

The Secretary called the roll on and the motion by Senator Rasmussen failed by the following vote: Yeas, 21; nays, 28.

Voting yea: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Garrett, Hansen, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Nelson, Pullen, Rasmussen, Saling, Sellar, West, Wojahn - 21.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, Deccio, DeJarnatt, Fleming, Gaspard, Halsan, Hayner, Johnson, Kreidler, McDermott, Moore, Newhouse, Owen, Patterson, Peterson, Rinehart, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, Williams, Zimmerman - 28.

#### MOTION

Senator Vognild moved that the Senate insist on its position regarding its amendments to Substitute House Bill No. 359, refuse to grant a conference and once again asks the House to concur therein.

Debate ensued.

Senator Bottiger demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Vognild that the Senate insist on its position regarding its amendments to Substitute House Bill No. 359, refuse to grant a conference and once again asks the House to concur therein.

#### ROLL CALL

The Secretary called the roll and the motion by Senator Vognild carried by the following vote: Yeas, 31; nays, 18.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Deccio, DeJarnatt, Fleming, Gaspard, Halsan, Hansen, Hayner, Johnson, Kreidler, McDermott, Moore, Newhouse, Owen, Patterson, Peterson, Rinehart, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 31.

Voting nay: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Garrett, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Nelson, Pullen, Rasmussen, Saling, Sellar - 18.

The Senate insists on its position regarding its amendments to Substitute House Bill No. 359, refuses to grant a conference and once again asks the House to concur therein.

#### MESSAGE FROM THE HOUSE

April 25, 1987

Mr. President:

The House has receded from its amendment in Subsection (3) on page 1, line 7, of SUBSTITUTE SENATE BILL NO. 5978 and has passed the bill without said amendment, and the bill and the amendment are herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

Debate on Substitute Senate Bill No. 5978, without the House amendment, ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5978, without the House amendment.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5978, without the House amendment, and the bill passed the Senate by the following vote: Yeas, 47; absent, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Absent: Senators McDonald, Nelson - 2.

SUBSTITUTE SENATE BILL NO. 5978, without the House amendment, having received the 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 HOUSE

April 25, 1987

Mr. President:

The House refuses to recede from its amendments to ENGROSSED SENATE BILL NO. 5996 and again asks the Senate to concur therein, and the same are herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

#### MOTION

Senator McDermott moved that the Senate do concur in the House amendments to Engrossed Senate Bill No. 5996.

#### POINT OF INQUIRY

Senator Saling: "Senator McDermott, would you explain what the amendment actually says as far as the governance of what this new vocational program is?"

Senator McDermott: "Senator Saling, the House of Representatives changed the governance which we had put under the common schools--Seattle Public Schools--and put it under the sixth community college district giving the community college board the right to appoint an administrative board for the voc-tech center."

Further debate ensued.

#### POINT OF INQUIRY

Senator Rasmussen: "Senator McDermott, do we have any other system like that in the state, where the community college board of trustees appoints an independent board and then they in turn--I thought the Governor wanted to appoint everybody--these people are going to appoint the directors?"

Senator McDermott: "Senator Rasmussen, right now operating in Snohomish county is a situation exactly just like this. The Everett Community College Board has a contract with the Applied Technology Center which is run on the campus of Everett Community College. The board makes all the relevant decisions. The board appointed by the community college board makes all the relevant decisions, submits them to the community college board, they approve them and that's the end of it. This system has been tried up there and has been working now for about eighteen months and it's really interesting to hear the people on the other side suddenly get exercised at something like that--John Fluke, Jim Thorpe of Washington Natural Gas--I could name a half dozen other business people who have been involved in that who think it's a good idea. Suddenly, they think that it's not good in Seattle when it's good in south Snohomish county."

Further debate ensued.

The President declared the question before the Senate to be the motion by Senator McDermott that the Senate do concur in the House amendments to Engrossed Senate Bill No. 5996.

The motion by Senator McDermott failed and the Senate did not concur in the House amendments to Engrossed Senate Bill No. 5996 on a rising vote.

The Senate refuses to concur in the House amendments to Engrossed Senate Bill No. 5996 and once again asks the House to recede therefrom.

#### MESSAGE FROM THE HOUSE

April 25, 1987

Mr. President:

The House refuses to concur in the Senate amendments to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 477 and asks the Senate to recede therefrom, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

Senator McDermott moved that the Senate adhere to its position regarding its amendments to Engrossed Second Substitute House Bill No. 477 and once again asks the House to concur therein.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator McDermott that the Senate adhere to its position regarding the Senate amendments to Engrossed Second Substitute House Bill No. 477.

The motion by Senator McDermott carried and the Senate adhered to its position regarding its amendments to Engrossed Second Substitute House Bill No. 477 and once again asks the House to concur therein.

#### MESSAGE FROM THE HOUSE

April 25, 1987

Mr. President:

The House has adopted the Report of the Free Conference Committee on SUBSTITUTE SENATE BILL NO. 5249 and has passed the bill as amended by the Free Conference Committee. The Report of the Free Conference Committee is herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTIONS

On motion of Senator Zimmerman, Senators Hayner and McDonald were excused.

On motion of Senator Vognild, Senators Bottiger and McDermott were excused.

## REPORT OF FREE CONFERENCE COMMITTEE

RE: SSB 5249

Clarifying payment of court filing fees.

April 24, 1987

Mr. President:

Mr. Speaker:

We of your Free Conference Committee, to whom the above measure was referred, have had the same under consideration and we recommend that the measure be amended as proposed under the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on Substitute Senate Bill No. 5249, read in on April 25, 1987.)

Signed by: Senators Talmadge, Nelson, Moore; Representatives Heavey, Crane, Padden.

## MOTION

On motion of Senator Talmadge, the Report of the Free Conference Committee on Substitute Senate Bill No. 5249 was adopted.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5249, as amended by the Free Conference Committee.

## ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5249, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 43; nays, 1; absent, 1; excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 43.

Voting nay: Senator Pullen - 1.

Absent: Senator Metcalf - 1.

Excused: Senators Bottiger, Hayner, McDermott, McDonald - 4.

SUBSTITUTE SENATE BILL NO. 5249, as amended by the Free Conference Committee, having received the 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 HOUSE

April 26, 1987

Mr. President:

The House has adopted the Report of the Conference Committee on ENGROSSED SENATE BILL NO. 5546 and has granted said committee the powers of Free Conference. The Report of the Conference Committee is herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

## REPORT OF CONFERENCE COMMITTEE

RE: ESB 5546

Revising provisions relating to assault.

April 25, 1987

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom the above measure was referred, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the bill as follows:

2. On page 1, beginning on line 5, strike all material down to and including line 1 on page

Renumber the sections consecutively.

On page 4, line 23, strike "significant period of time unless or until relieved by medication;" and insert "period of time long enough to cause considerable suffering. The pain shall be the result of an actual injury capable of causing serious physical pain."

On page 5, after line 21, strike the remainder of the bill and insert the following:

"Sec. 2. Section 5, chapter 257, Laws of 1986 and RCW 9A.36.021 are each amended to read as follows:

(1) A person is guilty of assault in the second degree if he or she, under circumstances not amounting to assault in the first degree:

(a) Intentionally assaults another and thereby inflicts substantial bodily harm; or

(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

(c) Assaults another with a deadly weapon; or

~~((e))~~ (d) With intent to inflict bodily harm, administers to or causes to be taken by another, poison or any other destructive or noxious substance; or

~~((d))~~ (e) With intent to commit a felony, assaults another.

(2) Assault in the second degree is a class B felony.

Sec. 3. Section 12, chapter 257, Laws of 1986 (uncodified) is amended to read as follows:

Sections 3 through 10 of this act shall take effect on July 1, ~~((1987))~~ 1988.

NEW SECTION. Sec. 4. Section 3 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. The remainder of this act shall take effect July 1, 1988."

On page 1, line 1 of the title, after "assault;" strike the remainder of the title and insert "amending RCW 9A.04.110 and 9A.36.021; amending section 12, chapter 257, Laws of 1986 (uncodified); providing an effective date; and declaring an emergency."

Signed by: Senators Talmadge, Halsan; Representatives Locke, Armstrong, Padden.

#### MOTION

Senator Talmadge moved that the Report of the Conference Committee on Engrossed Senate Bill No. 5546 be adopted and the committee be granted the powers of Free Conference.

Debate ensued.

#### POINT OF INQUIRY

Senator Nelson: "Senator Talmadge, when does Section 3 of the Act take effect?"

Senator Talmadge: "The effective date of that Act would be July 1, 1988. If we did not do anything this time, it would become effective July 1, 1987, and we wanted to avoid that. We wanted to try to work the entire change in the laws relating to assault at the same time in July, 1988."

#### POINT OF INQUIRY

Senator Pullen: "Senator Talmadge, I am terribly concerned about the definition of 'substantial bodily harm,' because we have added a new word 'substantial pain' and then when I go to the definition of 'substantial pain,' I find that it means serious physical pain extending for a period of time long enough to cause considerable suffering and those words are very vague and quite troublesome to me. The Senate version was, I thought, more precise because it related to relieving that serious pain through medication which I think would be much clearer language. Is it the intent to look over very carefully during this delayed implementation period, the problems surrounding the definition of 'substantial bodily harm' and 'substantial pain?' I hope that's the case because I am very worried about blurring the difference between 'substantial bodily harm' and 'bodily harm.' With this new definition, I am afraid we've blurred the difference so much that we are going to be creating all kinds of mischief."

Senator Talmadge: "The answer to the question about whether we are going to look at that definition is, yes. The reason we get into this difficulty is the whole area of assault law. Assault and battery that came to us from the English common law, is very difficult to translate into modern circumstances. Technically, under English common law if somebody touched you without approval, that was an

assault. Under modern circumstances, that is obviously not an assault and shouldn't be. The circumstances we are trying to deal with are the extent to which the painful contact exists and how long it will exist.

"The prosecutors recommended to us the language that's in this draft, rather than the Senate language. It was their feeling that the language that is here, subjective though it might be, is more constitutionally defensible than the language that was in the Senate Bill. We are going to continue to look at that for the very reasons we have been troubled with out here on the floor. The intention is to develop a standard, subjective though it may be, that is at least as precise as we can draw it so that we don't run into problems of avoidance or being vague."

#### PARLIAMENTARY INQUIRY

Senator Rasmussen: "Mr. President, a parliamentary inquiry. My sheet says we are going to adopt the Conference Report and grant Free Conference."

#### REPLY BY THE PRESIDENT

President Cherberg: "Adopt the Conference Report and grant the powers of Free Conference."

Senator Rasmussen: "I have a parliamentary inquiry in that respect. If we grant the powers of Free Conference at 3:15, then it takes twenty-four hours. Does it have to lay on the desk for twenty-four hours?"

President Cherberg: "It would be twenty-four hours from the time when it was put it on the Secretary's desk."

Senator Rasmussen: "We are granting the powers of Free Conference now, Mr. President, or we will. I think the rules say that we have to have twenty-four hours from the time we grant the powers of Free Conference. I might say I am not concerned with this bill; I am concerned with what might come along later."

President Cherberg: "The Secretary says it takes twenty-four hours from the time it was placed on the Secretary's desk, so that is what the President believes."

Senator Rasmussen: "I don't know where the Secretary's desk is; I am not acquainted too well with that. But, I think the rules say that it has to lay on his desk for twenty-four hours. We are granting it now at 3:15, that would be 3:15 tomorrow."

President Cherberg: "This was distributed at 7:30 p.m. on the twenty-fifth day of the month."

Senator Rasmussen: "I would agree with the President. That is what I have on my note here, but they didn't have the powers of Free Conference at that time."

President Cherberg: "They don't have it yet either, Senator. The rules don't require it."

#### PARLIAMENTARY INQUIRY

Senator Pullen: "Mr. President, just so we can clarify this before we get into the waning hours of the session. Does that mean we cannot grant the powers of Free Conference for twenty-four hours from the time that the report is time stamped? I have been seeing all of our reports having a time indicated at the top of the report. Is it the interpretation of the rules that we cannot grant the powers of Free Conference for twenty-four hours after that time stamp?"

#### REPLY BY THE PRESIDENT

President Cherberg: "The powers of Free Conference can be adopted prior to this time."

Senator Pullen: "Well, does the twenty-four hour rule relate to when we may vote on the measure?"

President Cherberg: "The President refers you to Rule 11, page 64, about half-way down the second paragraph."

Senator Pullen: "As I read the rule, we can grant the powers of Free Conference, but we may not consider the measure until twenty-four hours have elapsed."

President Cherberg: "That means that you couldn't vote on it until 7:30 this evening. Maybe you would want to utilize all the time you could have or you can grant the powers of Free Conference now. Would you like them? That's what it says right here."

Senator Pullen: "No, Mr. President, I was just trying to clarify the rules."

President Cherberg: "We are playing by the rules, Senator."

The President declared the question before the Senate to be the motion by Senator Talmadge to adopt the Report of the Conference Committee on Engrossed Senate Bill No. 5546 and to grant the powers of Free Conference.

The motion by Senator Talmadge carried and the Report of the Conference Committee on Engrossed Senate House Bill No. 5546 was adopted and the committee was granted the powers of Free Conference.

#### SECOND REPORT OF CONFERENCE COMMITTEE

RE: 2SHB 684

Revising provisions relating to criminal sentencing.

April 25, 1987

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom the above measure was referred, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the bill as follows:

That the Senate Ways and Means amendments be adopted with the following changes:

On page 17, after line 28, strike all material down to and including "felony." on page 18, line 8

Re number the remaining sections accordingly

On page 18, after line 8, strike all material down to and including "felony." on line 22

Re number the remaining sections accordingly

On page 18, after line 22, strike all material down to and including "homicide." on line 29

Re number the remaining sections accordingly

On page 18, after line 29, strike all material down to and including "year." on page 46, line

12

Re number the remaining sections accordingly

On page 59, line 17 of the title, after "9A.44.060," strike everything through "46.61.522," on line 20, and on line 23, after "9A.32 RCW;" strike "adding new sections to chapter 9A.44 RCW;"

On page 58, after line 34, strike all of subsection (7) and re number the remaining subsection accordingly

On page 59, after line 7, strike all material down to and including "1988." on line 11

On page 59, line 22, after "RCW;" strike "adding a new section to chapter 9A.32 RCW;"

On page 59, line 23, after "9A.44 RCW;" strike "adding a new section to chapter 9.41 RCW; adding a new section to chapter 43.101 RCW;"

On page 59, line 28, after "date;" insert "and"

On page 59, line 28, after "expiration dates" strike "; and declaring an emergency"

Signed by: Senators Talmadge, Halsan; Representatives Cooper, Locke.

EDITOR'S NOTE: The First Report of the Conference Committee on Second Substitute House Bill No. 684 which was adopted by the Senate on April 25, 1987, was ruled by the House as being beyond the scope and object of the bill.

#### MOTION

On motion of Senator Vognild, the Second Report of the Conference Committee on Second Substitute House Bill No. 684 was adopted and the committee was granted the powers of Free Conference.

#### REPORT OF CONFERENCE COMMITTEE

RE: E2SHB 758

Establishing the department of wildlife.

April 25, 1987

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom the above measure was referred, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the bill as follows:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. Washington's fish and wildlife resources are the responsibility of all residents of the state. We all benefit economically, recreationally, and aesthetically from these

resources. Recognizing the state's changing environment, the legislature intends to continue to provide opportunities for the people to appreciate wildlife in its native habitat. However, the wildlife management in the state of Washington shall not cause a reduction of recreational opportunity for hunting and fishing activities. The paramount responsibility of the department remains to preserve, protect, and perpetuate all wildlife species. Adequate funding for proper management, now and for future generations, is the responsibility of everyone.

The intent of the legislature is: (1) To allow the governor to select the director of wildlife; (2) to retain the authority of the wildlife commission to establish the goals and objectives of the department; (3) to insure a high level of public involvement in the decision-making process; (4) to provide effective communications among the commission, the governor, the legislature, and the public; (5) to expand the scope of appropriate funding for the management, conservation, and enhancement of wildlife; (6) to not increase the cost of license, tag, stamp, permit, and punchcard fees prior to January 1, 1990; and (7) for the commission to carry out any other responsibilities prescribed by the legislature in this title.

Sec. 2. 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, (3) the department of labor and industries, (4) the department of agriculture, (5) the department of fisheries, (6) the department of ~~((game))~~ wildlife, (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. 3. 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, (3) the director of labor and industries, (4) the director of agriculture, (5) the director of fisheries, (6) the director of ~~((game))~~ wildlife, (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: PROVIDED, That the director of wildlife shall be appointed according to the provisions of RCW 77.04.080. 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. A temporary director of wildlife shall not serve more than one year. 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~~). There is appropriated from the general fund to the department of wildlife for the biennium ending June 30, 1989, the sum of eight million dollars: PROVIDED, That four million five hundred thousand dollars of this appropriation shall revert to the general fund if the comprehensive spending plan submitted to the legislature under section 7(2) of this 1987 act is rejected by the legislature in the 1988 session: PROVIDED FURTHER, That three million five hundred thousand dollars of this appropriation may be expended by the department of wildlife without regard to approval of the comprehensive spending plan.

Sec. 4. Section 77.04.020, chapter 36, Laws of 1955 as amended by section 3, chapter 78, Laws of 1980 and RCW 77.04.020 are each amended to read as follows:

The department of ~~((game))~~ wildlife consists of the state ~~((game))~~ wildlife commission and the director of ~~((game))~~ wildlife. The director is responsible for the administration and operation of the department, subject to the provisions of this title. The commission may delegate to the director additional duties and powers necessary and appropriate to carry out this title. The director shall perform the duties prescribed by law (~~and the commission~~) and shall carry out the basic goals and objectives prescribed pursuant to section 7 of this 1987 act.

Sec. 5. Section 77.04.030, chapter 36, Laws of 1955 as last amended by section 11, chapter 338, Laws of 1981 and RCW 77.04.030 are each amended to read as follows:

The state ~~((game))~~ wildlife commission consists of six registered voters of the state. In January of each odd-numbered year, the governor shall appoint with the advice and consent of the senate two registered voters to the commission to serve for terms of six years from that January or until their successors are appointed and qualified. If a vacancy occurs on the commission prior to the expiration of a term, the governor shall appoint a registered voter within sixty days to complete the term. Three members shall be residents of that portion of the state lying east of the summit of the Cascade mountains, and three shall be residents of that portion of the state lying west of the summit of the Cascade mountains. No two members may be residents of



the same county. The legal office of the commission is at the administrative office of the department in Olympia.

Sec. 6. Section 77.04.040, chapter 36, Laws of 1955 as amended by section 5, chapter 78, Laws of 1980 and RCW 77.04.040 are each amended to read as follows:

Persons eligible for appointment as members of the commission shall have general knowledge of the habits and distribution of wildlife and shall not hold another state, county, or municipal elective or appointive office. In making these appointments, the governor shall seek to maintain a balance reflecting all aspects of wildlife.

NEW SECTION. Sec. 7. A new section is added to chapter 77.04 RCW to read as follows:

(1) In addition to any other duties and responsibilities, the commission shall establish, and periodically review with the governor and the legislature, the department's basic goals and objectives to preserve, protect, and perpetuate wildlife and wildlife habitat. The commission shall maximize hunting and fishing recreational opportunities.

(2) By November 1, 1987, the department shall prepare and submit to the office of financial management the comprehensive and detailed departmental analyses and management plans specified in subsection (3) of this section. The governor shall submit a spending plan to the appropriate legislative committees by December 31, 1987.

(3) The comprehensive and detailed analyses and management plans shall include, but not be limited to:

(a) An analysis of each unique functional element, prioritized within each of the subprograms of the department, as to the element's purpose and role in the subprogram or agency mission, together with expenditures and staffing as of February 28, 1987, and a separate analysis, prioritized within the subprogram, of any revision in expenditure and staffing above the element's level as of February 28, 1987. However, any revision in expenditure or staffing will require specific justification, particularly as to fund source for the expenditure;

(b) An analysis of all hunting and fishing licenses and tags, stamps, or permits issued and the effect of increases or reductions of these fees;

(c) An analysis of the agency's management, organization, and productivity and a detailed plan for any revisions or improvements, if required;

(d) An analysis of the land management practices on department-owned and managed lands and a detailed plan for any improvements; and

(e) An analysis of the department's relationship with landowners, including wildlife damage to agricultural crops and a detailed plan for any improvements.

(4) The governor may also direct the use of personnel from the office of financial management and other state agencies to assist and participate as the governor deems necessary in any or all parts of the analyses or plans required in this section.

(5) The director of financial management shall inform the house of representatives and the senate bimonthly of the progress of the analyses and plans required in subsection (2) of this section.

(6) The analyses and plans, together with any supporting data, shall be made available to the natural resources and ways and means committees of the senate and house of representatives upon receipt by the office of financial management.

(7) The commission shall establish hunting, trapping, and fishing seasons and prescribe the time, place, manner, and methods that may be used to harvest or enjoy wildlife.

(8) The commission shall prepare and submit to the governor and appropriate legislative committees by October 1, 1988, an analysis of the state's wildlife and wildlife recreation needs, looking at innovative management methods and alternatives to increased agency revenues, and make recommendations as to how those needs could be addressed.

(9) By June 30, 1989, the wildlife commission shall prepare a recommendation determining the fees that shall be charged for hunting and fishing licenses. Prior to preparing any recommendations, the commission shall hold state-wide hearings to learn concerns of all citizens. The commission shall consider the needs of low-income citizens, veterans of the armed services, the disabled, senior citizens, and juveniles. If the commission recommends a change in the license fees or residency requirements, the commission shall report to the legislature at its next regular session, the reasons for recommending the change.

Sec. 8. Section 77.04.060, chapter 36, Laws of 1955 as last amended by section 110, chapter 287, Laws of 1984 and RCW 77.04.060 are each amended to read as follows:

The commission shall hold at least one regular meeting~~((s within the first ten days of January, April, July, and October of each year))~~ during the first two months of each calendar quarter, and special meetings when called by the chairman or by four members. Four members constitute a quorum for the transaction of business.

The commission at a meeting in each odd-numbered year shall elect one of its members as chairman and another member as vice chairman, each of whom shall serve for a term of two years or until a successor is elected and qualified.

~~((When a vacancy in the office of the director has occurred, the commission shall elect a director by approval of four members. The director shall hold office at the pleasure of the commission:))~~

Members of the commission shall be compensated in accordance with RCW 43.03.250. In addition, members are allowed their travel expenses incurred while absent from their usual places of residence in accordance with RCW 43.03.050 and 43.03.060.

Sec. 9. Section 77.04.080, chapter 36, Laws of 1955 as amended by section 8, chapter 78, Laws of 1980 and RCW 77.04.080 are each amended to read as follows:

Persons eligible for appointment by the governor as director shall have practical knowledge of the habits and distribution of wildlife. 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. The director shall receive the salary fixed by the governor under RCW 43.03.040.

The director is the ex officio secretary of the commission and shall attend its meetings and keep a record of its business.

The director may appoint and employ necessary departmental personnel. The director may delegate ~~(in writing)~~ to department personnel the duties and powers necessary for efficient operation and administration of the department. The department shall provide staff for the commission.

NEW SECTION. Sec. 10. A new section is added to chapter 77.04 RCW to read as follows:

The director shall provide a comprehensive annual report of all departmental operations to the governor, appropriate legislative committees, and the public, on or before October 1 of each year, to reflect the previous fiscal year. The report shall include, but not be limited to, descriptions of all departmental activities, including: Revenues generated, program costs, capital expenditures, personnel, department projects and research including cooperative projects, environmental controls, intergovernmental agreements, outlines of ongoing litigation, concluded litigation, and any major issues with the potential for state liability. The report shall describe the status of the resource and its recreational and tribal utilization.

In addition to the above elements, the commission shall prepare and submit to the governor, the appropriate legislative committees, and the public its own report and analysis on the condition of recreational hunting and fishing opportunities and wildlife and wildlife resources in the state and on the progress of the department in meeting goals and objectives set by the commission. The commission shall solicit public input in the preparation of this annual analysis.

Sec. 11. 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))~~ adopted pursuant to this title, unless the context clearly requires otherwise:

- (1) "Director" means the director of ~~((game))~~ wildlife.
- (2) "Department" means the department of ~~((game))~~ wildlife.
- (3) "Commission" means the state ~~((game))~~ wildlife 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))~~ and rules ((of the commission)) adopted pursuant to this title, 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))~~ places 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))~~ places 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 is prohibited.

(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 is prohibited.

(14) "Game reserve" means a closed area where ~~((the commission has prohibited by rule))~~ hunting for all wild animals and wild birds is prohibited.

(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) "Fur-bearing animals" means game animals that shall not be trapped except as authorized by ~~((rule of))~~ the commission.

(23) "Game birds" means wild birds that shall not be hunted except as authorized by ~~((rule of))~~ the commission.

(24) "Predatory birds" means wild birds that may be hunted throughout the year as authorized by ~~((rule of))~~ the commission.

(25) "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) "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. 12. Section 2, chapter 243, Laws of 1985 and RCW 77.08.045 are each amended to read as follows:

As used in this title or rules ~~((of the commission))~~ adopted pursuant to this title:

(1) "Migratory waterfowl" means members of the family Anatidae, including brants, ducks, geese, and swans;

(2) "Migratory waterfowl stamp" means the stamp that is required by RCW 77.32.350 to be in the possession of persons over sixteen years of age to hunt migratory waterfowl;

(3) "Prints and artwork" means replicas of the original stamp design that are sold to the general public. Prints and artwork are not to be construed to be the migratory waterfowl stamp that is required by RCW 77.32.350. Artwork may be any facsimile of the original stamp design, including color renditions, metal duplications, or any other kind of design; and

(4) "Migratory waterfowl art committee" means the committee created by RCW 77.12.680. The committee's primary function is to select the annual migratory waterfowl stamp design.

Sec. 13. 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))~~ director 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) ~~((#))~~ ~~((commission determines))~~ director may recommend to the commission that a species of wildlife should not be hunted or fished(;;). The commission may designate ~~((# protected))~~ species of wildlife ~~((by rule))~~ as protected.

(6) If the ~~((commission))~~ director determines that a species of wildlife is seriously threatened with extinction in the state of Washington, the director may request its designation as an endangered species. The commission may designate ~~((#))~~ an endangered species ~~((by rule))~~.

(7) If the ~~((commission))~~ director determines that a species of the animal kingdom, not native to Washington, is dangerous to the environment or wildlife of the state, the director may request its designation as deleterious exotic wildlife. The commission may designate ~~((#))~~ deleterious exotic wildlife ~~((by rule))~~.

Sec. 14. Section 77.12.030, chapter 36, Laws of 1955 as last amended by section 2, chapter 240, Laws of 1984 and RCW 77.12.030 are each amended to read as follows:

The ~~((commission))~~ director may regulate the ~~((taking possession;))~~ collection, ~~((distribution;))~~ importation, and transportation~~((and sale))~~ of wildlife ~~((and deleterious exotic wildlife species)).~~

Sec. 15. Section 77.12.040, chapter 36, Laws of 1955 as last amended by section 3, chapter 240, Laws of 1984 and RCW 77.12.040 are each amended to read as follows:

The commission shall adopt, amend, or repeal, and enforce reasonable rules prohibiting or governing the time, place, and manner of taking or possessing game animals, game birds, or game fish. The commission may specify the quantities, species, sex, and size of game animals, game birds, or game fish that may be taken or possessed. The commission shall regulate the taking, sale, possession, and distribution of wildlife and deleterious exotic wildlife. The director may adopt emergency rules under RCW 77.12.150.

The commission may establish by rule game reserves and closed areas where hunting for wild animals or wild birds may be prohibited and closed waters where fishing for game fish may be prohibited.

Sec. 16. Section 17, chapter 78, Laws of 1980 as amended by section 2, chapter 155, Laws of 1985 and RCW 77.12.055 are each amended to read as follows:

(1) Jurisdiction and authority granted under RCW 77.12.060, 77.12.070, and 77.12.080 to the director, wildlife agents, and ex officio wildlife agents is limited to the laws and rules ~~((of the commission))~~ adopted pursuant to this title pertaining to wildlife or to the management, operation, maintenance, or use of or conduct on real property used, owned, leased, or controlled by the department and other statutes as prescribed by the legislature. However, when acting within the scope of these duties and when an offense occurs in the presence of the wildlife agent who is not an ex officio wildlife agent, the wildlife agent may enforce all criminal laws of the state. The wildlife agent must have successfully completed the basic law enforcement academy course sponsored by the criminal justice training commission, or a supplemental course in criminal law enforcement as approved by the department and the criminal justice training commission and provided by the department or the criminal justice training commission, prior to enforcing the criminal laws of the state.

(2) Wildlife agents are peace officers.

(3) Any liability or claim of liability which arises out of the exercise or alleged exercise of authority by a wildlife agent rests with the department ~~((of game))~~ unless the wildlife agent acts under the direction and control of another agency or unless the liability is otherwise assumed under a written agreement between the department of game and another agency.

(4) Wildlife agents may serve and execute warrants and processes issued by the courts.

Sec. 17. Section 77.12.060, chapter 36, Laws of 1955 as last amended by section 18, chapter 78, Laws of 1980 and RCW 77.12.060 are each amended to read as follows:

The director, wildlife agents, and ex officio wildlife agents may serve and execute warrants and process issued by the courts to enforce the law and rules ~~((of the commission))~~ adopted pursuant to this title.

To enforce these laws or rules, they may call to their aid any ex officio wildlife agent or citizen and that person shall render aid.

Sec. 18. Section 77.12.070, chapter 36, Laws of 1955 as last amended by section 19, chapter 78, Laws of 1980 and RCW 77.12.070 are each amended to read as follows:

Wildlife agents and ex officio wildlife agents within their respective jurisdictions shall enforce the law and rules ~~((of the commission))~~ adopted pursuant to this title.

Sec. 19. Section 77.12.080, chapter 36, Laws of 1955 as last amended by section 20, chapter 78, Laws of 1980 and RCW 77.12.080 are each amended to read as follows:

Wildlife agents and ex officio wildlife agents may arrest without warrant persons found violating the law or rules ~~((of the commission))~~ adopted pursuant to this title.

Sec. 20. Section 77.12.090, chapter 36, Laws of 1955 as amended by section 21, chapter 78, Laws of 1980 and RCW 77.12.090 are each amended to read as follows:

Wildlife agents, and ex officio wildlife agents may make a reasonable search without warrant of conveyances, vehicles, packages, game baskets, game coats, or other receptacles for wildlife, or tents, camps, or similar places which they have reason to believe contain evidence of a violation of law or rules ~~((of the commission))~~ adopted pursuant to this title.

Sec. 21. Section 77.12.100, chapter 36, Laws of 1955 as amended by section 23, chapter 78, Laws of 1980 and RCW 77.12.100 are each amended to read as follows:

Wildlife agents and ex officio wildlife agents may seize without warrant wildlife believed to have been unlawfully taken, killed, transported, or possessed, and articles or devices believed to have been unlawfully used or held with intent to unlawfully use in hunting or fishing. "Articles or devices," as used in this title or rules ~~((of the commission))~~ adopted pursuant to this title, means things used to hunt, fish for, possess, or transport wildlife and includes boats, other vehicles, and fishing and hunting equipment.

Sec. 22. Section 77.16.030, chapter 36, Laws of 1955 as last amended by section 71, chapter 78, Laws of 1980 and RCW 77.12.105 are each amended to read as follows:

Except as otherwise provided in this title, a person who has lawfully acquired possession of wildlife and who desires to retain or transfer it may do so in accordance with the rules ~~((of the commission))~~ adopted pursuant to this title.

Sec. 23. Section 77.12.140, chapter 36, Laws of 1955 as amended by section 28, chapter 78, Laws of 1980 and RCW 77.12.140 are each amended to read as follows:

The ~~((commission))~~ director, acting in a manner not inconsistent with criteria established by the commission, may obtain by purchase, gift, or exchange and may sell or transfer wildlife and their eggs for stocking, research, or propagation.

Sec. 24. Section 77.12.150, chapter 36, Laws of 1955 as last amended by section 4, chapter 240, Laws of 1984 and RCW 77.12.150 are each amended to read as follows:

By emergency rule only, and in accordance with ~~((rules of))~~ criteria established by the commission, the director may close or shorten a season for game animals, game birds, or game fish, and after a season has been closed or shortened, may reopen it and reestablish bag limits on game animals, game birds, or game fish during that season. The director shall advise the commission of the adoption of emergency rules. A copy of an emergency rule, certified as a true copy by the director or by a person authorized in writing by the director to make the certification, is admissible in court as prima facie evidence of the adoption and validity of the rule.

If the director finds that game animals have increased in numbers in an area of the state so that they are damaging public or private property or over-utilizing their habitat, the commission may establish ~~((by rule))~~ a special hunting season and designate the time, area, and manner of taking and the number and sex of the animals that may be killed or possessed by a licensed hunter. The director shall determine by random selection the identity of hunters who may hunt within the area and shall determine the conditions and requirements of the selection process. The ~~((commission))~~ director shall include notice of the special season in the rules establishing open seasons.

Sec. 25. Section 334, chapter 258, Laws of 1984 and RCW 77.12.170 are each amended to read as follows:

(1) There is established in the state treasury the state ~~((game))~~ wildlife fund which consists of moneys received from:

- (a) Rentals or concessions of the department;
- (b) The sale of real or personal property held for department purposes;
- (c) The sale of licenses, permits, tags, stamps, and punchcards required by this title;
- (d) Fees for informational materials published by the department;
- (e) Fees for personalized vehicle license plates as provided in chapter 46.16 RCW;
- (f) Articles or wildlife sold by the ~~((commission))~~ director under this title;
- (g) Compensation for wildlife losses or gifts or grants received under RCW 77.12.320; and
- (h) Excise tax on anadromous game fish collected under chapter 82.27 RCW.

(2) State and county officers receiving any moneys listed in subsection (1) of this section shall deposit them in the state treasury to be credited to the state ~~((game))~~ wildlife fund.

Sec. 26. Section 2, chapter 56, Laws of 1979 as amended by section 66, chapter 78, Laws of 1980 and RCW 77.12.185 are each amended to read as follows:

The director may collect moneys to recover the reasonable costs of publication of informational materials by the department and shall deposit them in the state treasury to be credited to the state ~~((game))~~ wildlife fund.

Sec. 27. Section 77.12.190, chapter 36, Laws of 1955 as amended by section 34, chapter 78, Laws of 1980 and RCW 77.12.190 are each amended to read as follows:

Moneys in the state ~~((game))~~ wildlife fund may be used only for the purposes of this title.

Sec. 28. Section 77.12.200, chapter 36, Laws of 1955 as last amended by section 35, chapter 78, Laws of 1980 and RCW 77.12.200 are each amended to read as follows:

The commission may authorize the director to acquire by gift, purchase, lease, or condemnation lands, buildings, waters, or other necessary property for purposes consistent with this title, together with rights of way for access to the property so acquired. Except to clear title and acquire access rights of way, the power of condemnation may be exercised by the ~~((commission))~~ director only when an appropriation has been made by the legislature for the acquisition of a specific property.

Sec. 29. Section 2, chapter 97, Laws of 1965 ex. sess. as last amended by section 1, chapter 214, Laws of 1984 and by section 335, chapter 258, Laws of 1984 and RCW 77.12.201 are each reenacted and amended to read as follows:

The legislative authority of a county may elect, by giving written notice to the director and the treasurer prior to January 1st of any year, to obtain for the following year an amount in lieu of real property taxes on game lands as provided in RCW 77.12.203. Upon the election, the county shall keep a record of all fines, forfeitures, reimbursements, and costs assessed and collected, in whole or in part, under this title for violations of law or rules ~~((of the commission))~~ adopted pursuant to this title and shall monthly remit an amount equal to the amount collected to the state treasurer for deposit in the public safety and education account established under RCW 43.08.250. The election shall continue until the department is notified differently prior to January 1st of any year.

Sec. 30. Section 77.12.210, chapter 36, Laws of 1955 as last amended by section 38, chapter 78, Laws of 1980 and RCW 77.12.210 are each amended to read as follows:

The ~~((commission))~~ director shall maintain and manage real or personal property owned, leased, or held by the department and shall control the construction of buildings, structures, and improvements in or on the property. The ~~((commission))~~ director may adopt rules for the operation ~~(;) and maintenance~~ ~~(-and use of and conduct on)~~ of the property.

The commission may ~~authorize the director to sell timber, gravel, sand, and other materials or products from real property held by the department~~ ~~((The commission))~~ and may ~~authorize the director to sell or lease the~~ ~~((departments'))~~ department's real or personal property or grant concessions or rights of way for roads or utilities in the property. ~~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 chapter 79.14 RCW 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.~~

If the commission determines that real or personal property held by the department cannot be used advantageously by the department, the ~~((commission))~~ director may dispose of that property if it is in the public interest.

If the state acquired real property with use limited to specific purposes, the director may negotiate terms for the return of the property to the donor or grantor. Other real property shall be sold to the highest bidder at public auction. After appraisal, notice of the auction shall be published at least once a week for two successive weeks in a newspaper of general circulation within the county where the property is located at least twenty days prior to sale.

Proceeds from the sales shall be deposited in the ~~((state treasury to be credited to the))~~ state ~~((game))~~ wildlife fund.

Sec. 31. Section 77.12.220, chapter 36, Laws of 1955 as amended by section 39, chapter 78, Laws of 1980 and RCW 77.12.220 are each amended to read as follows:

For purposes of this title, the commission may make agreements to obtain real or personal property or to transfer or convey property held by the state to the United States or its agencies or instrumentalities, political subdivisions of this state, public service companies, or other persons, if in the judgment of the commission and the attorney general the transfer and conveyance is consistent with public interest.

If the commission agrees to a transfer or conveyance under this section or to a sale or return of real property under RCW 77.12.210, ~~((th))~~ the director shall certify, with the attorney general, to the governor that the agreement has been made. The certification shall describe the real property. The governor then may execute and the secretary of state attest and deliver to the appropriate entity or person the instrument necessary to fulfill the agreement.

Sec. 32. Section 77.12.230, chapter 36, Laws of 1955 as amended by section 40, chapter 78, Laws of 1980 and RCW 77.12.230 are each amended to read as follows:

The director may pay lawful local improvement district assessments for projects that may benefit wildlife or wildlife-oriented recreation made against lands held by the state for department purposes. The payments may be made from money appropriated from the state ~~((game))~~ wildlife fund to the department.

Sec. 33. Section 77.12.240, chapter 36, Laws of 1955 as amended by section 41, chapter 78, Laws of 1980 and RCW 77.12.240 are each amended to read as follows:

The director may authorize the removal or killing of wildlife that is destroying or injuring property, or when it is necessary for wildlife management or research.

The director or other employees of the department shall dispose of wildlife taken or possessed by them under this title in the manner determined by the director to be in the best interest of the state. Skins or furs shall be sold at public auction at a time and location determined by the director. Proceeds from the sales shall be deposited in the state treasury to be credited to the state ~~((game))~~ wildlife fund.

Sec. 34. Section 77.12.260, chapter 36, Laws of 1955 as amended by section 43, chapter 78, Laws of 1980 and RCW 77.12.260 are each amended to read as follows:

The ~~((commission))~~ director may make written agreements to prevent damage to private property by wildlife. The department may furnish money, material, or labor under these agreements.

Sec. 35. Section 77.16.230, chapter 36, Laws of 1955 as last amended by section 1, chapter 355, Laws of 1985 and RCW 77.12.265 are each amended to read as follows:

The owner or tenant of real property may trap or kill on that property wild animals or wild birds, other than an endangered species, that is damaging crops, domestic animals, fowl, or other property. Except in emergency situations, deer, elk, and protected wildlife shall not be killed without a permit issued and conditioned by the director. The director may delegate this authority.

For the purposes of this section, "emergency" means an unforeseen circumstance beyond the control of the landowner or tenant that presents a real and immediate threat to crops, domestic animals, fowl, or other property.

Alternatively, when sufficient time for the issuance of a permit by the director is not available, verbal permission may be given by the appropriate ((game)) department regional administrator to owners or tenants of real property to trap or kill on that property any deer, elk, or protected wildlife which is damaging crops, domestic animals, fowl, or other property. The regional administrator may delegate, in writing, a member of the regional staff to give the required permission in these emergency situations. Nothing in this section authorizes in any situation the trapping, hunting, or killing of an endangered species.

Wildlife trapped or killed under this section remains the property of the state, and the person trapping or killing the wildlife shall notify the department immediately. The ((commission)) director shall dispose of wildlife so taken within three working days of receiving such a notification.

If the department receives recurring complaints regarding property being damaged as described in this section from the owner or tenant of real property, or receives such complaints from several such owners or tenants in a locale, the commission shall consider conducting a special hunt or special hunts to reduce the potential for such damage.

For purposes of this section, "crop" means an agricultural or horticultural product growing or harvested and includes wild shrubs and range land vegetation on privately owned cattle ranching lands. On such lands, the land owner or lessee may declare an emergency when the department ((of game)) has not responded within forty-eight hours after having been contacted by the land owner or lessee regarding crop damage by wild animals or wild birds. However, the department shall not allow claims for damage to wild shrubs or range land vegetation on such lands.

Deer and elk shall not be killed under the authority of this section on privately owned cattle ranching lands that were closed to public hunting during the previous hunting season, except for land closures which are coordinated with the department to protect property and livestock.

The department shall work closely with landowners and tenants suffering game damage problems to control damage without killing the animals when practical, to increase the harvest of damage-causing animals in hunting seasons, or to kill the animals when no other practical means of damage control is feasible.

Sec. 36. Section 77.12.270, chapter 36, Laws of 1955 as last amended by section 11, chapter 126, Laws of 1986 and RCW 77.12.270 are each amended to read as follows:

The ((commission)) director may compromise, adjust, settle, and pay claims for damages caused by deer or elk in accordance with RCW 77.12.280 through 77.12.300. Payments for claims shall not exceed two thousand dollars. The payment of a claim by the ((commission)) director constitutes full and final payment for the claim. The director shall advise the commission quarterly of all damage claims paid.

Sec. 37. Section 77.12.280, chapter 36, Laws of 1955 as last amended by section 12, chapter 126, Laws of 1986 and RCW 77.12.280 are each amended to read as follows:

(1) Claims under RCW 77.12.270 may be filed under RCW 4.92.040(5) if within one year of filing with the ((commission)) director the claim is not settled and paid. The risk management office shall recommend to the legislature whether the claim should be approved. If the legislature approves the claim, the department shall pay it from moneys appropriated for that purpose.

(2) If a claim for damages under RCW 77.12.270 has been refused or has not been settled and paid by the ((commission)) director within one hundred twenty days of the filing of the claim, either the claimant or the ((commission)) director may serve upon the other personally or by registered mail a notice of intent to arbitrate. The notice shall contain the name of an arbitrator. Within ten days of receiving the notice, the person served shall serve the name of an arbitrator personally or by registered mail upon the other party. The two arbitrators, within seven days of the naming of the second arbitrator, shall select a third arbitrator who shall not be an employee of the department or member of the commission. If the two arbitrators cannot agree upon a third arbitrator, either party may petition the superior court in the county in which the claim arose to select the third arbitrator. Upon receiving the petition, the court shall appoint a third arbitrator. Filing fees or court costs arising from the petition shall be shared equally by the claimant and the department.

(3) The award of the arbitrators is advisory only and shall be filed with the department within ninety days following the naming of the third arbitrator. Payment shall not be made by the ((commission)) director until the arbitrators have made their advisory award.

Sec. 38. Section 77.12.290, chapter 36, Laws of 1955 as last amended by section 47, chapter 78, Laws of 1980 and RCW 77.12.290 are each amended to read as follows:

Claims for damages under RCW 77.12.270 shall be filed in writing with the ((commission)) department in its office within ninety days following the discovery of the claimed damage. Failure to file the claim within the ninety-day period shall bar payment of damages. Payments shall not be made for damages occurring on lands leased by the claimant from a public agency.

Sec. 39. Section 77.12.300, chapter 36, Laws of 1955 as last amended by section 48, chapter 78, Laws of 1980 and RCW 77.12.300 are each amended to read as follows:

The ((commission)) director may adopt rules requiring and prescribing the form of affidavits to be furnished in proof of claims and specifying the time for examining and appraising the damages. The ((commission)) director may refuse to consider and pay claims of persons who have posted the property on which the claimed damages occurred against hunting during the season prior to the occurrence of the damages.

Sec. 40. Section 1, chapter 183, Laws of 1971 ex. sess. as amended by section 49, chapter 78, Laws of 1980 and RCW 77.12.315 are each amended to read as follows:

If the director determines that a severe problem exists in an area of the state because deer and elk are being pursued, harassed, attacked or killed by dogs, the ((commission)) director may declare by emergency rule that an emergency exists and specify the area where it is lawful for wildlife agents to take into custody or destroy the dogs if necessary. Wildlife agents who take into custody or destroy a dog pursuant to this section are immune from civil or criminal liability arising from their actions.

Sec. 41. Section 77.12.320, chapter 36, Laws of 1955 as last amended by section 50, chapter 78, Laws of 1980 and RCW 77.12.320 are each amended to read as follows:

(1) The commission may make agreements with persons, political subdivisions of this state, or the United States or its agencies or instrumentalities, regarding wildlife-oriented recreation and the propagation, protection, conservation, and control of wildlife.

(2) The ((commission)) director may make written agreements with the owners or lessees of real or personal property to provide for the use of the property for wildlife-oriented recreation. The ((commission)) director may adopt rules governing the conduct of persons in or on the real property.

(3) The ((commission)) director may accept compensation for wildlife losses or gifts or grants of personal property for use by the department.

Sec. 42. Section 15, chapter 10, Laws of 1982 and RCW 77.12.323 are each amended to read as follows:

(1) There is established in the state ((game)) wildlife fund a special wildlife account. Monies received under RCW 77.12.320 as now or hereafter amended as compensation for wildlife losses shall be deposited in the state treasury to be credited to the special wildlife account.

(2) The ((commission)) director may advise the state treasurer and the state investment board of a surplus in the special wildlife account above the current needs. The state investment board may invest and reinvest the surplus, as the commission deems appropriate, in an investment authorized by RCW 43.84.150 or in securities issued by the United States government as defined by RCW 43.84.080 (1) and (4). Income received from the investments shall be deposited to the credit of the special wildlife account.

Sec. 43. Section 77.12.370, chapter 36, Laws of 1955 as amended by section 55, chapter 78, Laws of 1980 and RCW 77.12.370 are each amended to read as follows:

Prior to the forwarding of a request needing endorsement under RCW 77.12.360, the ((commission)) director shall present the request to the legislative authority of the county in which the lands are located for its approval. The legislative authority, before acting on the request, may call a public hearing. The hearing shall take place within thirty days after presentation of the request to the legislative authority.

The ((commission)) director shall publish notice of the public hearing called by the legislative authority in a newspaper of general circulation within the county at least once a week for two successive weeks prior to the hearing. The notice shall contain a copy of the request and the time and place of the hearing.

The chairman of the county legislative authority shall preside at the public hearing. The proceedings shall be informal and all persons shall have a reasonable opportunity to be heard.

Within ten days after the hearing, the county legislative authority shall endorse its decision on the request for withdrawal. The decision is final and not subject to appeal.

Sec. 44. Section 77.12.380, chapter 36, Laws of 1955 as amended by section 56, chapter 78, Laws of 1980 and RCW 77.12.380 are each amended to read as follows:

Upon receipt of a request under RCW 77.12.360, the commissioner of public lands shall determine if the withdrawal would benefit the people of the state. If the withdrawal would be beneficial, the commissioner shall have the lands appraised for their lease value. Before withdrawal, the department shall transmit to the commissioner a voucher authorizing payment from the state ((game)) wildlife fund in favor of the fund for which the lands are held. The payment shall equal the amount of the lease value for the duration of the withdrawal.

Sec. 45. Section 77.12.390, chapter 36, Laws of 1955 as last amended by section 57, chapter 78, Laws of 1980 and RCW 77.12.390 are each amended to read as follows:

Upon receipt of a voucher under RCW 77.12.380, the commissioner of public lands shall withdraw the lands from lease. The commissioner shall forward the voucher to the state treasurer, who shall draw a warrant against the state ((game)) wildlife fund in favor of the fund for which the withdrawn lands are held.

Sec. 46. Section 77.12.420, chapter 36, Laws of 1955 as amended by section 59, chapter 78, Laws of 1980 and RCW 77.12.420 are each amended to read as follows:



The ~~((commission))~~ director may spend moneys to improve natural growing conditions for fish by constructing fishways, installing screens, and removing obstructions to migratory fish ~~((; and eradicating))~~. The eradication of undesirable fish((;)) shall be authorized by the commission. The director may enter into cooperative agreements with state, county, municipal, and federal agencies, and with private individuals for these purposes.

Sec. 47. Section 77.12.440, chapter 36, Laws of 1955 as last amended by section 2, chapter 26, Laws of 1982 and RCW 77.12.440 are each amended to read as follows:

The state assents to the act of congress entitled: "An Act to provide that the United States shall aid the states in fish restoration and management projects, and for other purposes." (64 Stat. 430; 16 U.S.C. Sec. 777). The department of ~~((game))~~ wildlife and the department of fisheries shall establish, conduct, and maintain fish restoration and management projects, as defined in the act, and shall comply with the act and related rules adopted by the secretary of the interior.

Sec. 48. Section 67, chapter 78, Laws of 1980 and RCW 77.12.530 are each amended to read as follows:

The ~~((commission))~~ director shall ~~((adopt))~~ administer rules adopted by the commission governing the time, place, and manner of holding hunting and fishing contests and competitive field trials involving live wildlife for hunting dogs. The ~~((commission))~~ department shall prohibit contests and field trials that are not in the best interests of wildlife.

Sec. 49. Section 77.28.020, chapter 36, Laws of 1955 as last amended by section 22, chapter 457, Laws of 1985 and RCW 77.12.570 are each amended to read as follows:

The commission shall ~~((adopt rules specifying))~~ establish the ~~((procedures;))~~ qualifications((;)) and conditions for issuing a game farm license ~~((and))~~. The director shall adopt rules governing the operation of game farms. Private sector cultured aquatic products as defined in RCW 15.85.020 are exempt from regulation under this section.

Sec. 50. Section 77.28.070, chapter 36, Laws of 1955 as amended by section 99, chapter 78, Laws of 1980 and RCW 77.12.580 are each amended to read as follows:

A licensed game farmer may purchase, sell, give away, or dispose of the eggs of game birds or game fish lawfully possessed as provided by rule of the ~~((commission))~~ director.

Sec. 51. Section 77.28.080, chapter 36, Laws of 1955 as last amended by section 23, chapter 457, Laws of 1985 and RCW 77.12.590 are each amended to read as follows:

Wildlife given away, sold, or transferred by a licensed game farmer shall have attached to each wildlife member, package, or container, a tag, seal, or invoice as required by rule of the ~~((commission))~~ director. Private sector cultured aquatic products as defined in RCW 15.85.020 are exempt from regulation under this section.

Sec. 52. Section 2, chapter 239, Laws of 1984 and RCW 77.12.650 are each amended to read as follows:

The department ~~((of game))~~ shall cooperate with other local, state, ~~((and))~~ federal agencies and governments to protect bald eagles and their essential habitats through existing governmental programs, including but not limited to:

(1) The natural heritage program managed by the department of natural resources under chapter 79.70 RCW;

(2) The natural area preserve program managed by the department of natural resources under chapter 79.70 RCW;

(3) The shoreline management master programs adopted by local governments and approved by the department of ecology under chapter 90.58 RCW.

Sec. 53. Section 4, chapter 243, Laws of 1985 and RCW 77.12.670 are each amended to read as follows:

The migratory waterfowl stamp to be produced by the department shall use the design as provided by the migratory waterfowl art committee.

All revenue derived from the sale of the stamps by the department shall be deposited in the state ~~((game))~~ wildlife fund and shall be used only for the cost of printing and production of the stamp and for those migratory waterfowl projects specified by the director of the department for the acquisition and development of migratory waterfowl habitat in the state and for the enhancement, protection, and propagation of migratory waterfowl in the state. Acquisition shall include but not be limited to the acceptance of gifts of real estate or any interest therein or the rental, lease, or purchase of real estate or any interest therein. If the department acquires any fee interest, leasehold, or rental interest in real property under this section, it shall allow the general public reasonable access to that property and shall, if appropriate, insure that the deed or other instrument creating the interest allows such access to the general public. If the department obtains a covenant in real property in its favor or an easement or any other interest in real property under this section, it shall exercise its best efforts to insure that the deed or other instrument creating the interest grants to the general public in the form of a covenant running with the land reasonable access to the property. The private landowner from whom the department obtains such a covenant or easement shall retain the right of granting access to the lands by written permission.

The department may produce migratory waterfowl stamps in any given year in excess of those necessary for sale in that year. The excess stamps may be sold to the migratory waterfowl art committee for sale to the public.

Sec. 54. Section 5, chapter 243, Laws of 1985 and RCW 77.12.680 are each amended to read as follows:

(1) There is created the migratory waterfowl art committee which shall be composed of nine members.

(2)(a) The committee shall consist of one member appointed by the governor, six members appointed by the director (~~(of game)~~), one member appointed by the chairman of the state arts commission, and one member appointed by the director of the department of agriculture.

(b) The member appointed by the director of the department of agriculture shall represent state-wide farming interests.

(c) The member appointed by the chairman of the state arts commission shall be knowledgeable in the area of fine art reproduction.

(d) The members appointed by the governor and the director (~~(of game)~~) shall be knowledgeable about waterfowl and waterfowl management. The six members appointed by the director (~~(of game)~~) shall represent, respectively:

(i) An eastern Washington sports group;

(ii) A western Washington sports group;

(iii) A group with a major interest in the conservation and propagation of migratory waterfowl;

(iv) A state-wide conservation organization;

(v) A state-wide sports hunting group; and

(vi) The general public.

The members of the committee shall serve three-year staggered terms and at the expiration of their term shall serve until qualified successors are appointed. Of the nine members, three shall serve initial terms of four years, three shall serve initial terms of three years, and three shall serve initial terms of two years. The appointees of the governor, the chairman of the state arts commission, and the director of agriculture shall serve the initial terms of four years. Vacancies shall be filled for unexpired terms consistent with this section. A chairman shall be elected annually by the committee. The committee shall review the director's (~~(of game's)~~) expenditures of the previous year of both the stamp money and the prints and related artwork money. Members of the committee shall serve without compensation.

Sec. 55. Section 6, chapter 243, Laws of 1985 and RCW 77.12.690 are each amended to read as follows:

The migratory waterfowl art committee is responsible for the selection of the annual migratory waterfowl stamp design and shall provide the design to the department. If the committee does not perform this duty within the time frame necessary to achieve proper and timely distribution of the stamps to license dealers, the director shall initiate the art work selection for that year. The committee shall create collector art prints and related artwork, utilizing the same design as provided to the department. The administration, sale, distribution, and other matters relating to the prints and sales of stamps with prints and related artwork shall be the responsibility of the migratory waterfowl art committee.

The total amount brought in from the sale of prints and related artwork shall be deposited in the state (~~(game)~~) wildlife fund. The costs of producing and marketing of prints and related artwork, including administrative expenses mutually agreed upon by the committee and the director, shall be paid out of the total amount brought in from sales of those same items. Net funds derived from the sale of prints and related artwork shall be used by the director (~~(of game)~~) to contract with one or more appropriate individuals or nonprofit organizations for the development of waterfowl propagation projects within Washington which specifically provide waterfowl for the Pacific flyway. The department shall not contract with any individual or organization that obtains compensation for allowing waterfowl hunting except if the individual or organization does not permit hunting for compensation on the subject property.

The migratory waterfowl art committee shall have an annual audit of its finances conducted by the state auditor and shall furnish a copy of the audit to the (~~(game)~~) commission and to the natural resources committees of the house and senate.

**NEW SECTION.** Sec. 56. A new section is added to chapter 77.12 RCW to read as follows:

(1) The commission in consultation with the director may authorize hunting of post-mature male trophy-quality animals from herds in areas not normally open to general public hunting. The director shall establish procedures for the hunt, which shall be called the Washington trophy hunt. The procedures may provide for an organization to contract with the department to sponsor the hunt. The procedures shall require that any permits or tags required for the hunt be sold at auction to raise funds for the department and the organization for wildlife conservation purposes. Representatives of the department may participate in the hunt upon the request of the commission to insure that the animals to be killed are properly identified.

(2) A wildlife conservation organization may request the commission to authorize a special hunt for post-mature trophy-quality male animals upon petition.

(3) In addition to any permit fee established under subsection (1) of this section, participants in the hunt shall obtain any required license, permit, or tag.

**NEW SECTION.** Sec. 57. A new section is added to chapter 77.12 RCW to read as follows:

The director shall employ a minimum of eighty-five field wildlife enforcement agents throughout the state to ensure full enforcement coverage in each county of the state.

Sec. 58. Section 77.16.010, chapter 36, Laws of 1955 as amended by section 69, chapter 78, Laws of 1980 and RCW 77.16.010 are each amended to read as follows:

It is unlawful to promote, conduct, hold, or sponsor a contest for the hunting or fishing of wildlife or a competitive field trial involving live wildlife for hunting dogs without first obtaining a hunting or fishing contest permit. Contests and field trials shall be held in accordance with established rules ((of the commission)).

Sec. 59. Section 77.16.020, chapter 36, Laws of 1955 as last amended by section 196, chapter 3, Laws of 1983 and RCW 77.16.020 are each amended to read as follows:

(1) It is unlawful to hunt, fish, possess, or control a species of game bird, game animal, or game fish during the closed season for that species except as provided in RCW 77.12.105.

(2) It is unlawful to kill, take, catch, possess, or control these species in excess of the number fixed as the bag limit for each species.

(3) It is unlawful to hunt within a game reserve or to fish for game fish within closed waters.

(4) It is unlawful to hunt wild birds or wild animals within a closed area except as authorized by rule of the commission.

(5) It is unlawful to hunt or fish for wildlife, practice taxidermy for profit, deal in raw furs for profit, act as a fishing guide, or operate a game farm, stock game fish, or collect wildlife for research or display, without having in possession the license, permit, tag, stamp, or punchcard required by chapter 77.32 RCW or rule of the ((commission)) department. The activities described in this subsection shall be conducted in accordance with rules ((of the commission)) adopted pursuant to this title.

Sec. 60. 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. 61. Section 77.16.060, chapter 36, Laws of 1955 as amended by section 74, chapter 78, Laws of 1980 and RCW 77.16.060 are each amended to read as follows:

It is unlawful to lay, set, or use a net or other device capable of taking game fish in the waters of this state except as authorized by ((rule of)) the commission or director of fisheries. Game fish taken incidental to a lawful season established by the director of fisheries shall be returned immediately to the water.

A landing net may be used to land fish otherwise legally hooked.

Sec. 62. Section 77.16.080, chapter 36, Laws of 1955 as amended by section 76, chapter 78, Laws of 1980 and RCW 77.16.080 are each amended to read as follows:

It is unlawful to lay, set, or use a drug, explosive, poison, or other deleterious substance that may endanger, injure, or kill wildlife except as authorized by law or rules ((of the commission)) adopted pursuant to this title.

Sec. 63. Section 78, chapter 78, Laws of 1980 and RCW 77.16.095 are each amended to read as follows:

It is unlawful to mutilate wildlife so that the size, species, or sex cannot be determined visually in the field or while being transported. The ((commission)) director may prescribe specific criteria for field identification to satisfy this section.

Sec. 64. Section 77.16.110, chapter 36, Laws of 1955 as amended by section 80, chapter 78, Laws of 1980 and RCW 77.16.110 are each amended to read as follows:

It is unlawful to carry firearms, other hunting weapons, or traps or to allow directly or negligently a dog upon a game reserve, except on public highways or as authorized by rule of the ((commission)) director.

Sec. 65. Section 77.16.130, chapter 36, Laws of 1955 as amended by section 82, chapter 78, Laws of 1980 and RCW 77.16.130 are each amended to read as follows:

It is unlawful to resist or obstruct wildlife agents or ex officio wildlife agents in the discharge of their duties while enforcing the law or rules ((of the commission)) adopted pursuant to this title.

Sec. 66. Section 77.16.150, chapter 36, Laws of 1955 as amended by section 83, chapter 78, Laws of 1980 and RCW 77.16.150 are each amended to read as follows:

Except as authorized by ((rule of)) the ((commission)) director, consistent with criteria established by the commission, it is unlawful to release wildlife or to plant aquatic plants or their seeds within the state.

Sec. 67. Section 77.16.180, chapter 36, Laws of 1955 as amended by section 86, chapter 78, Laws of 1980 and RCW 77.16.180 are each amended to read as follows:

It is unlawful to remove, possess, or damage printed matter or signs placed by authority of the ((commission)) director.

Sec. 68. Section 1, chapter 44, Laws of 1980 as amended by section 5, chapter 310, Laws of 1981 and RCW 77.16.320 are each amended to read as follows:

Except as authorized by law or rules ~~((of the commission))~~ adopted pursuant to this title, it is unlawful to hunt, offer for sale, sell~~((t))~~, possess, exchange, buy, transport, or ship an albino wild animal.

Sec. 69. 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))~~ rules ~~((of the commission))~~ adopted pursuant to this title 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))~~ adopted pursuant to this title and may impose the punishment provided for these offenses. Superior courts have jurisdiction over felonies committed in violation of this title.

Sec. 70. Section 1, chapter 6, Laws of 1975 1st ex. sess. as amended by section 124, chapter 78, Laws of 1980 and RCW 77.21.020 are each amended to read as follows:

In addition to other penalties provided by law, the director shall revoke the hunting license of a person who is convicted of a violation of RCW 77.16.020 involving big game or RCW 77.16.050. Forfeiture of bail twice during a five-year period for these violations constitutes the basis for a revocation under this section.

A hunting license shall not be issued to the person for two years from the revocation ~~((unless the commission authorizes the issuance))~~.

A person who has had a license revoked or has been denied issuance pursuant to this section or RCW 77.21.030, may appeal the decision as provided in chapter 34.04 RCW.

Sec. 71. Section 77.32.280, chapter 36, Laws of 1955 as amended by section 123, chapter 78, Laws of 1980 and RCW 77.21.030 are each amended to read as follows:

The director shall revoke the hunting license of a person who shoots another person or domestic livestock while hunting. A hunting license shall not be issued to that person unless the ~~((commission))~~ director authorizes the issuance of a license, and damages caused by the wrongful shooting have been paid.

Sec. 72. Section 77.12.110, chapter 36, Laws of 1955 as amended by section 25, chapter 78, Laws of 1980 and RCW 77.21.040 are each amended to read as follows:

(1) In addition to other penalties provided by law, a court may forfeit, for the use of the ~~((commission))~~ department, wildlife seized under this title and proven, in either a criminal or civil action, to have been unlawfully taken, killed, transported, or possessed and articles or devices seized under this title and proven, in either a criminal or civil action, to have been unlawfully used or held with intent to unlawfully use. Unless forfeited by the court, the department shall return an item seized under this title to its owner after the completion of the case and all fines have been paid. If the owner of a seized item cannot be found, the court may forfeit that item after summons has been served by publication as in civil actions and a hearing has been held.

(2) Wildlife unlawfully taken or possessed remains the property of the state.

(3) The ~~((commission))~~ director may sell articles or devices seized and forfeited under this title by the court at public auction. The time, place, and manner of holding the sale ~~((is within the discretion of the commission))~~ shall be determined by the director. The director shall publish notice of the sale once a week for at least two consecutive weeks prior to the sale in at least one newspaper of general circulation in the county in which the sale is to be held. Proceeds from the sales shall be deposited in the state treasury to be credited to the state ~~((game))~~ wildlife fund.

Sec. 73. Section 77.32.260, chapter 36, Laws of 1955 as amended by section 122, chapter 78, Laws of 1980 and RCW 77.21.060 are each amended to read as follows:

Upon conviction of a violation of this title or rules ~~((of the commission))~~ adopted pursuant to this title, the court may forfeit a license, in addition to other penalties provided by law. Upon subsequent conviction, the forfeiture of the license is mandatory. The ~~((commission))~~ director may prohibit ~~((by rule))~~ issuance of a license to a person convicted two or more times or prescribe the conditions for subsequent issuance of a license.

Sec. 74. Section 3, chapter 8, Laws of 1983 1st ex. sess. as last amended by section 1, chapter 318, Laws of 1986 and RCW 77.21.070 are each amended to read as follows:

(1) Whenever a person is convicted of illegal killing or possession of wildlife listed in this subsection, the convicting court shall order the person to reimburse the state in the following amounts for each animal killed or possessed:

- (a) Moose, antelope, mountain sheep, mountain goat, and all wildlife species classified as endangered by rule of the commission . . . . . \$~~((+600))~~2,000  
 (b) Elk, deer, black bear, and cougar . . . . . \$~~((500))~~1,000  
 (c) Mountain caribou and grizzly bear . . . . . \$5,000

(2) The court shall order an additional amount not less than five percent and not exceeding ten percent of the applicable amount in this section to be placed in the state wildlife conservation reward fund.

(3) For the purpose of this section, the term "convicted" includes a plea of guilty, a finding of guilt regardless of whether the imposition of the sentence is deferred or any part of the penalty is suspended, and the payment of a fine. No court may establish bail for illegal possession of wildlife listed in subsection (1) in an amount less than the bail established for hunting during the closed season plus the reimbursement value of wildlife set forth in subsection (1).

~~((3))~~ (4) If two or more persons are convicted of illegally possessing wildlife listed in this section, the reimbursement amount shall be imposed upon them jointly and separately.

~~((4))~~ (5) The reimbursement amount provided in this section shall be imposed in addition to and regardless of any penalty, including fines, or costs, that is provided for violating any provision of Title 77 RCW. The reimbursement required by this section shall be included by the court in any pronouncement of sentence and may not be suspended, waived, modified, or deferred in any respect. Nothing in this section may be construed to abridge or alter alternative rights of action or remedies in equity or under common law or statutory law, criminal or civil.

~~((5))~~ (6) A defaulted reimbursement or any installment payment thereof may be collected by any means authorized by law for the enforcement of orders of the court or collection of a fine or costs, including vacation of a deferral of sentencing or of a suspension of sentence.

NEW SECTION. Sec. 75. A new section is added to chapter 77.21 RCW to read as follows:

The state wildlife conservation reward fund is established in the custody of the state treasurer. The director shall deposit in the fund all moneys designated to be placed in the fund under RCW 77.21.070(2) and otherwise designated by rule of the director. Moneys in the fund shall be spent to provide rewards to persons informing the department about violations of this title or rules adopted pursuant to this title. Disbursements from the fund shall be on the authorization of the director 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 disbursement.

The amount of any reward shall not exceed the amount specified in RCW 77.21.070(2).

Sec. 76. Section 77.32.010, chapter 36, Laws of 1955 as last amended by section 25, chapter 457, Laws of 1985 and RCW 77.32.010 are each amended to read as follows:

(1) Except as otherwise provided in this chapter, a license issued by the ~~((commission))~~ director is required to:

- (a) Hunt for wild animals or wild birds or fish for game fish;  
 (b) Practice taxidermy for profit;  
 (c) Deal in raw furs for profit;  
 (d) Act as a fishing guide;  
 (e) Operate a game farm;  
 (f) Purchase or sell anadromous game fish; or  
 (g) Use department-managed lands or facilities as provided by rules ~~((of the commission))~~ adopted pursuant to this title.

(2) A permit issued by the director is required to:

- (a) Conduct, hold, or sponsor hunting or fishing contests or competitive field trials using live wildlife;  
 (b) Collect wild animals, wild birds, game fish, or protected wildlife for research or display; or  
 (c) Stock game fish.

(3) Aquaculture as defined in RCW 15.85.020 is exempt from the requirements of this section, except when being stocked in public waters under contract with the department ~~((of game))~~.

Sec. 77. Section 77.32.050, chapter 36, Laws of 1955 as last amended by section 16, chapter 310, Laws of 1981 and RCW 77.32.050 are each amended to read as follows:

Licenses, permits, tags, stamps, and punchcards required by this chapter shall be issued under the authority of the commission. The ~~((commission))~~ director may authorize department personnel, county auditors, or other reputable citizens to issue licenses, permits, tags, stamps, and punchcards and collect the appropriate fees. The authorized persons shall pay on demand or before the tenth day of the following month the fees collected and shall make reports as required by the ~~((commission))~~ director. The ~~((commission))~~ director may adopt rules for issuing licenses, permits, tags, stamps, and punchcards, collecting and paying fees, and making reports.

Sec. 78. Section 77.32.060, chapter 36, Laws of 1955 as last amended by section 1, chapter 464, Laws of 1985 and RCW 77.32.060 are each amended to read as follows:

The ~~((commission))~~ director may adopt rules establishing the amount a license dealer may charge and keep for each license, tag, permit, stamp, or punchcard issued. The ~~((commission))~~ director shall establish the amount to be retained by dealers to be at least fifty cents for each license issued, and twenty-five cents for each tag, permit, stamp, or punchcard issued. The ~~((commission))~~ director shall report to the next regular session of the legislature explaining any increase in the amount retained by license dealers. Fees retained by dealers shall be uniform throughout the state.

Sec. 79. Section 77.32.070, chapter 36, Laws of 1955 as last amended by section 18, chapter 310, Laws of 1981 and RCW 77.32.070 are each amended to read as follows:

Applicants for a license, permit, tag, stamp, or punchcard shall furnish the information required by ~~((rule of the commission))~~ the director. The ~~((commission))~~ director may adopt rules requiring licensees or permittees to keep records and make reports concerning the taking of wildlife.

Sec. 80. Section 77.32.090, chapter 36, Laws of 1955 as last amended by section 19, chapter 310, Laws of 1981 and RCW 77.32.090 are each amended to read as follows:

The ~~((commission))~~ director may adopt rules pertaining to the form, period of validity, use, possession, and display of licenses, permits, tags, stamps, and punchcards required by this chapter.

Sec. 81. Section 1, chapter 17, Laws of 1957 as last amended by section 21, chapter 310, Laws of 1981 and RCW 77.32.155 are each amended to read as follows:

When purchasing a hunting license, persons under the age of eighteen shall present certification of completion of a course of instruction of at least six hours in the safe handling of firearms, safety, conservation, and sportsmanship.

The ~~((commission))~~ director may establish a program for training persons in the safe handling of firearms, conservation, and sportsmanship and may cooperate with the National Rifle Association, organized sportsmen's groups, or other public or private organizations.

The ~~((commission))~~ director shall prescribe the type of instruction and the qualifications of the instructors.

Upon successful completion of the course, a trainee shall receive a hunter education certificate signed by an authorized instructor. The certificate is evidence of compliance with this section.

The director may accept certificates from other states that persons have successfully completed firearm safety, hunter education, or similar courses as evidence of compliance with this section.

Sec. 82. Section 1, chapter 43, Laws of 1977 as last amended by section 24, chapter 310, Laws of 1981 and RCW 77.32.197 are each amended to read as follows:

Persons purchasing a state trapping license for the first time shall present certification of completion of a course of instruction in safe, humane, and proper trapping techniques or pass an examination to establish that the applicant has the requisite knowledge.

The ~~((commission))~~ director shall establish a program for training persons in trapping techniques and responsibilities, including the use of trapping devices designed to painlessly capture or instantly kill. The ~~((commission))~~ director shall cooperate with national and state animal, humane, hunter education, and trapping organizations in the development of a curriculum. Upon successful completion of the course, trainees shall receive a trapper's training certificate signed by an authorized instructor. This certificate is evidence of compliance with this section.

Sec. 83. Section 30, chapter 15, Laws of 1975 1st ex. sess. as last amended by section 5, chapter 464, Laws of 1985 and RCW 77.32.211 are each amended to read as follows:

(1) A taxidermy license allows the holder to practice taxidermy for profit. The fee for this license is one hundred fifty dollars.

(2) A fur dealer's license allows the holder to purchase, receive, or resell raw furs for profit. The fee for this license is one hundred fifty dollars.

(3) A fishing guide license allows the holder to offer or perform the services of a professional guide in the taking of game fish. The fee for this license is one hundred fifty dollars for a resident and five hundred dollars for a nonresident.

(4) A game farm license allows the holder to operate a game farm to acquire, breed, grow, keep, and sell wildlife under conditions prescribed by the ~~((commission))~~ rules adopted

pursuant to this title. The fee for this license is sixty dollars for the first year and forty dollars for each following year.

(5) A game fish stocking permit allows the holder to release game fish into the waters of the state as prescribed by rule of the commission. The fee for this permit is twenty dollars.

(6) A hunting, fishing, or field trial permit allows the holder to promote, conduct, hold, or sponsor a hunting, fishing, or field trial contest in accordance with rules of the commission. The fee for this permit is twenty dollars.

(7) An anadromous game fish buyer's license allows the holder to purchase or sell steelhead trout and other anadromous game fish harvested by Indian fishermen lawfully exercising fishing rights reserved by federal statute, treaty, or executive order, under conditions prescribed by rule of the ~~((commission))~~ director. The fee for this license is one hundred fifty dollars.

Sec. 84. Section 77.32.220, chapter 36, Laws of 1955 as last amended by section 4, chapter 284, Laws of 1983 and RCW 77.32.220 are each amended to read as follows:

Licensed taxidermists, fur dealers, anadromous game fish buyers, fishing guides, game farmers, and persons stocking game fish or conducting a hunting, fishing, or field trial contest shall make reports as required by rules of the ~~((commission))~~ director.

Sec. 85. Section 77.32.230, chapter 36, Laws of 1955 as last amended by section 6, chapter 464, Laws of 1985 and RCW 77.32.230 are each amended to read as follows:

(1) A person sixty-five years of age or older who is an honorably discharged veteran of the United States armed forces having a service-connected disability and who has been a resident for five years may receive upon application a state hunting and fishing license free of charge.

(2) ~~((Subject to subsection (7) of this section:))~~ A person seventy years of age or older who has been a resident for ten years may receive, upon application, a fishing license free of charge.

(3) A blind person, or a person with a developmental disability as defined in RCW 71.20-.016 with documentation of the disability from the department of social and health services, or a physically handicapped person confined to a wheelchair may receive upon application a fishing license free of charge.

(4) A blind person or a physically handicapped person confined to a wheelchair who has been issued a card for a permanent disability under RCW 46.16.381 may use that card in place of a fishing license unless tags, permits, stamps, or punchcards are required by this chapter.

(5) A fishing license is not required for persons under the age of fifteen.

(6) Tags, permits, stamps, and punchcards required by this chapter shall be purchased separately by persons receiving a free or reduced-fee license.

~~((7) (a) By January 1, 1986, the game commission shall adopt a policy determining the fee, if any is charged, and residency requirement for fishing licenses for residents seventy years of age or older. Prior to adopting any policy, the commission shall hold state-wide hearings to learn concerns of interested citizens. The commission shall consider the needs of low-income senior citizens and appropriate residency requirements for senior citizens. If the commission recommends a change in the fishing license fees for residents over seventy years of age, the commission shall report to the next regular session of the legislature the reasons for recommending the change.~~

~~(b) The department shall, in a timely manner, adopt by rule any fishing license fees and residency requirements recommended by the commission for persons seventy years of age or older:))~~

Sec. 86. Section 32, chapter 15, Laws of 1975 1st ex. sess. as last amended by section 7, chapter 464, Laws of 1985 and RCW 77.32.256 are each amended to read as follows:

The ~~((commission))~~ director shall by rule establish the conditions for issuance of duplicate licenses, permits, tags, stamps, and punchcards required by this chapter. The fee for a duplicate provided under this section is eight dollars.

Sec. 87. Section 8, chapter 310, Laws of 1981 and RCW 77.32.320 are each amended to read as follows:

(1) A separate transport tag is required to hunt deer, elk, bear, cougar, sheep, mountain goat, or wild turkey.

(2) A transport tag may only be obtained subsequent to the purchase of a valid hunting license and must have permanently affixed to it the hunting license number and the supplemental stamp appropriate for the species being hunted.

(3) Persons who kill deer, elk, bear, cougar, mountain goat, sheep, moose, or wild turkey shall immediately validate and attach their own transport tag to the carcass as provided by rule of the ~~((commission))~~ director.

(4) Transport tags required by this section expire on March 31st following the date of issuance.

Sec. 88. 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.

(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.

(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.

(5) 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) Persons killing quail, partridge, and pheasant shall immediately validate their punchcard as provided by rule of the commission.

(7) Upland bird punchcards required under this section expire March 31st following the date of issuance.

Sec. 89. Section 14, chapter 310, Laws of 1981 as amended by section 7, chapter 240, Laws of 1984 and RCW 77.32.370 are each amended to read as follows:

(1) A special hunting season permit is required to hunt in each special season established under chapter 77.12 RCW.

(2) Persons may apply for special hunting season permits as provided by rule of the ((commission)) director.

(3) The application fee to participate in a special hunting season is two dollars.

Sec. 90. Section 15, chapter 310, Laws of 1981 as amended by section 11, chapter 464, Laws of 1985 and RCW 77.32.380 are each amended to read as follows:

Persons sixteen years of age or older who use clearly identified ((game)) department lands and access facilities are required to possess a conservation license or a hunting, fishing, trapping, or free license on their person while using the facilities. The fee for this license is eight dollars annually.

The spouse, all children under eighteen years of age, and guests under eighteen years of age of the holder of a valid conservation license may use ((game)) department lands and access facilities when accompanied by the license holder.

Youth groups may use ((game)) department lands and game access facilities without possessing a conservation license when accompanied by a license holder.

The conservation license is nontransferable and must be validated by the signature of the holder. Upon request of a wildlife agent or ex officio wildlife agent a person using clearly identified game department lands shall exhibit the required license.

Sec. 91. Section 6, chapter 232, Laws of 1983 as amended by section 1, chapter 153, Laws of 1986 and RCW 9.41.098 are each amended to read as follows:

(1) The superior courts and the courts of limited jurisdiction of the state may order forfeiture of a firearm which is proven to be:

(a) Found concealed on a person not authorized by RCW 9.41.060 or 9.41.070 to carry a concealed pistol: PROVIDED, That it is an absolute defense to forfeiture if the person possessed a valid Washington concealed pistol license within the preceding two years and has not become ineligible for a concealed pistol license in the interim. Before the firearm may be returned, the person must pay the past due renewal fee and the current renewal fee;

(b) Commercially sold to any person without an application as required by RCW 9.41.090;

(c) Found in the possession or under the control of a person at the time the person committed or was arrested for committing a crime of violence or a crime in which a firearm was used or displayed or a felony violation of the uniform controlled substances act, chapter 69.50 RCW;

(d) Found concealed on a person who is in any place in which a concealed pistol license is required, and who is under the influence of any drug or under the influence of intoxicating liquor, having 0.10 grams or more of alcohol per two hundred ten liters of breath, as shown by analysis of his breath, blood, or other bodily substance;

(e) Found in the possession of a person prohibited from possessing the firearm under RCW 9.41.040;

(f) Found in the possession of a person free on bail or personal recognizance pending trial, appeal, or sentencing for a crime of violence or a crime in which a firearm was used or displayed, except that violations of Title 77 RCW shall not result in forfeiture under this section;

(g) Found in the possession of a person found to have been mentally incompetent while in possession of a firearm when apprehended or who is thereafter committed pursuant to chapter 10.77 or 71.05 RCW;

(h) Known to have been used or displayed by a person in the violation of a proper written order of a court of general jurisdiction; or

(i) Known to have been used in the commission of a crime of violence or a crime in which a firearm was used or displayed or a felony violation of the uniform controlled substances act, chapter 69.50 RCW.

(2) Upon order of forfeiture, the court in its discretion shall order destruction of any firearm that is illegal for any person to possess, retention of the firearm as evidence, appropriate use by a law enforcement agency in the state, donation to a historical museum, or sale at a public



auction to a commercial seller. The proceeds from any sale shall be divided as follows: The local jurisdiction shall retain its costs, including actual costs of storage and sale, and shall forward the remainder to the state (~~((game commission))~~) department of wildlife for use in its firearms training program pursuant to RCW 77.32.155. If the court orders delivery to a law enforcement agency and the agency no longer requires use of the firearm, the agency shall dispose of the firearm in a manner which is consistent with this subsection.

(3) The court shall order the firearm returned to the owner upon a showing that there is no probable cause to believe a violation of subsection (1) of this section existed or the firearm was stolen from the owner or the owner neither had knowledge of nor consented to the act or omission involving the firearm which resulted in its forfeiture.

(4) A law enforcement officer of the state or of any county or municipality may confiscate a firearm found to be in the possession of a person under circumstances specified in subsection (1) of this section. After confiscation, the firearm shall not be surrendered except: (a) To the prosecuting attorney for use in subsequent legal proceedings; (b) for disposition according to an order of a court having jurisdiction as provided in subsection (1) of this section; or (c) to the owner if the proceedings are dismissed or as directed in subsection (3) of this section.

Sec. 92. Section 6, chapter 120, Laws of 1967 as last amended by section 109, chapter 3, Laws of 1983 and RCW 43.51.675 are each amended to read as follows:

Nothing in RCW 43.51.650 through 43.51.685 shall be construed to interfere with the powers, duties and authority of the department of fisheries to regulate the conservation or taking of food fish and shellfish. Nor shall anything in RCW 43.51.650 through 43.51.685 be construed to interfere with the powers, duties and authority of the state department of (~~((game or the state game commission))~~) wildlife to regulate, manage, conserve, and provide for the harvest of wildlife within such area: PROVIDED, HOWEVER, That no hunting shall be permitted in any state park.

Sec. 93. Section 10, chapter 75, Laws of 1977 ex. sess. and RCW 43.51.955 are each amended to read as follows:

Nothing in RCW 43.51.946 through 43.51.956 shall be construed to interfere with the powers, duties, and authority of the state department of (~~((game))~~) wildlife or the state (~~((game))~~) wildlife commission to regulate, manage, conserve, and provide for the harvest of wildlife within such area: PROVIDED, HOWEVER, That no hunting shall be permitted in any state park.

Sec. 94. Section 75.16.060, chapter 12, Laws of 1955 as amended by section 12, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.08.055 are each amended to read as follows:

(1) The director (~~((and the state game))~~), and the director of wildlife with the concurrence of the wildlife commission, may enter into agreements with and receive funds from the United States for the construction, maintenance, and operation of fish cultural stations, laboratories, and devices in the Columbia River basin for improvement of feeding and spawning conditions for fish, for the protection of migratory fish from irrigation projects and for facilitating free migration of fish over obstructions.

(2) The director and the (~~((state game))~~) wildlife commission may acquire by gift, purchase, lease, easement, or condemnation the use of lands where the construction or improvement is to be carried on by the United States.

Sec. 95. Section 1, chapter 166, Laws of 1979 ex. sess. as amended by section 46, chapter 87, Laws of 1980 and RCW 90.03.247 are each amended to read as follows:

Whenever an application for a permit to make beneficial use of public waters is approved relating to a stream or other water body for which minimum flows or levels have been adopted and are in effect at the time of approval, the permit shall be conditioned to protect the levels or flows. No agency may establish minimum flows and levels or similar water flow or level restrictions for any stream or lake of the state other than the department of ecology whose authority to establish is exclusive, as provided in chapter 90.03 RCW and RCW 90.22.010 and 90.54.040. The provisions of other statutes, including but not limited to RCW 75.20.100 and chapter 43.21C RCW, may not be interpreted in a manner that is inconsistent with this section. In establishing such minimum flows, levels, or similar restrictions, the department shall, during all stages of development by the department of ecology of minimum flow proposals, consult with, and carefully consider the recommendations of, the department of fisheries, the (~~((state game commission))~~) department of wildlife, the state energy office, the department of agriculture, and representatives of the affected Indian tribes. Nothing herein shall preclude the department of fisheries, the (~~((game commission))~~) department of wildlife, the energy office, or the department of agriculture from presenting its views on minimum flow needs at any public hearing or to any person or agency, and the department of fisheries, the (~~((game commission))~~) department of wildlife, the energy office, and the department of agriculture are each empowered to participate in proceedings of the federal energy regulatory commission and other agencies to present its views on minimum flow needs. The department of ecology shall file with the speaker of the house of representatives and the president of the senate on the first day of each regular session of the legislature during an odd-numbered year a report as to the implementation of its minimum flow setting program.

Sec. 96. Section 3, chapter 284, Laws of 1969 ex. sess. and RCW 90.22.010 are each amended to read as follows:

The department of water resources may establish minimum water flows or levels for streams, lakes or other public waters for the purposes of protecting fish, game, birds or other wildlife resources, or recreational or aesthetic values of said public waters whenever it appears to be in the public interest to establish the same. In addition, the department of water resources shall, when requested by the department of fisheries or the ~~((game commission)) department of wildlife~~ to protect fish, game or other wildlife resources under the jurisdiction of the requesting state agency, or by the water pollution control commission to preserve water quality, establish such minimum flows or levels as are required to protect the resource or preserve the water quality described in the request. Any request submitted by the department of fisheries, ~~((game commission)) department of wildlife, or ((water pollution control commission)) department of ecology~~ shall include a statement setting forth the need for establishing a minimum flow or level. This section shall not apply to waters artificially stored in reservoirs, provided that in the granting of storage permits by the department of ~~((water resources)) ecology~~ in the future, full recognition shall be given to downstream minimum flows, if any there may be, which have theretofore been established hereunder.

Sec. 97. Section 4, chapter 284, Laws of 1969 ex. sess. as last amended by section 1, chapter 196, Laws of 1985 and RCW 90.22.020 are each amended to read as follows:

Flows or levels authorized for establishment under RCW 90.22.010, or subsequent modification thereof by the department shall be provided for through the adoption of rules. Before the establishment or modification of a water flow or level for any stream or lake or other public water, the department shall hold a public hearing in the county in which the stream, lake, or other public water is located. If it is located in more than one county the department shall determine the location or locations therein and the number of hearings to be conducted. Notice of the hearings shall be given by publication in a newspaper of general circulation in the county or counties in which the stream, lake, or other public waters is located, once a week for two consecutive weeks before the hearing. The notice shall include the following:

(1) The name of each stream, lake, or other water source under consideration;

(2) The place and time of the hearing;

(3) A statement that any person, including any private citizen or public official, may present his views either orally or in writing.

Notice of the hearing shall also be served upon the administrators of the departments of fisheries, social and health services, ~~((and)) natural resources, ((the game commission)) wildlife, and ((the department of)) transportation.~~

NEW SECTION. Sec. 98. Section 2, chapter 93, Laws of 1985 and RCW 77.04.110 are each repealed.

NEW SECTION. Sec. 99. All references in the Revised Code of Washington to the department of game, the game commission, the director of game, and the game fund shall mean, respectively, the department of wildlife, the wildlife commission, the director of wildlife, and the wildlife fund.

NEW SECTION. Sec. 100. Rules of the department of game existing prior to the effective date of this section shall remain in effect unless or until amended or repealed by the director of wildlife or the wildlife commission pursuant to Title 77 RCW. The director of game on the effective date of this section shall continue as the director of wildlife until resignation or removal in accordance with the provisions of RCW 43.17.020. The game commission on the effective date of this section shall continue as the wildlife commission.

NEW SECTION. Sec. 101. The legislature recognizes the need to mitigate the effects of sedimentary build-up and resultant damage to fish population in the Toutle river resulting from the Mt. St. Helens eruption. The state has entered into a contractual agreement with the United States army corps of engineers designed to minimize fish habitat disruption created by the sediment retention structure on the Toutle river, under which the corps has agreed to construct a fish collection facility at the sediment retention structure site conditional upon the state assuming the maintenance and operation costs of the facility. The department of game and the department of fisheries shall cooperatively operate and maintain a fish collection facility on the Toutle river. Each agency shall share in the cost of operating and maintaining the facility.

NEW SECTION. Sec. 102. 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 of game or 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.

NEW SECTION. Sec. 103. A new section is added to chapter 77.32 RCW to read as follows:

Notwithstanding RCW 77.32.010, the commission may adopt rules designating times and places for the purposes of family fishing days when licenses are not required to fish for game fish.

Sec. 104. Section 3, chapter 243, Laws of 1985 and RCW 77.16.330 are each amended to read as follows:

It is unlawful for any person (~~over~~) sixteen years of age or older to hunt any migratory waterfowl without first obtaining a migratory waterfowl stamp as required by RCW 77.32.350.

Sec. 105, Section 12, chapter 310, Laws of 1981 as last amended by section 1, chapter 243, Laws of 1985 and by section 9, chapter 464, Laws of 1985 and RCW 77.32.350 are each reenacted and amended to read as follows:

(1) A hound stamp is required to hunt wild animals with a dog. The fee for this stamp is ten dollars.

(2) An upland game bird stamp is required to hunt for quail, partridge, and pheasant in areas designated by rule of the commission. The fee for this stamp is eight dollars.

(3) A falconry license is required to possess or hunt with a falcon, including seasons established exclusively for hunting in that manner. The fee for this license is thirty dollars.

(4) To be valid, stamps required under this section shall be permanently affixed to the licensee's appropriate hunting or fishing license.

(5) A migratory waterfowl stamp is required for all persons sixteen years of age or older to hunt migratory waterfowl. The fee for the stamp is five dollars. (~~The migratory waterfowl stamp shall be required in the hunting season starting not later than the fall of 1986.~~)

(6) The migratory waterfowl stamp shall be validated by the signature of the licensee written across the face of the stamp.

(7) Stamps required by this section expire on March 31st following the date of issuance except for hound stamps, which expire December 31st following the date of issuance."

On page 1, beginning on line 1 of the title, after "wildlife;" strike the remainder of the title and insert "amending RCW 43.17.010, 43.17.020, 77.04.020, 77.04.030, 77.04.040, 77.04.060, 77.04.080, 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, 77.12.370, 77.12.380, 77.12.390, 77.12.420, 77.12.440, 77.12.530, 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, 77.16.130, 77.16.150, 77.16.180, 77.16.320, 77.21.010, 77.21.020, 77.21.030, 77.21.040, 77.21.060, 77.21.070, 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, 90.22.020, and 77.16.330; reenacting and amending RCW 77.12.201 and 77.32.350; adding new sections to chapter 77.04 RCW; adding new sections to chapter 77.12 RCW; adding a new section to chapter 77.21 RCW; adding a new section to chapter 77.32 RCW; creating new sections; repealing RCW 77.04.110; making an appropriation; and declaring an emergency."

Signed by: Senators DeJarnatt, Owen; Representatives B. Williams, Sutherland, Belcher.

#### MOTION

Senator Owen moved that the Report of the Conference Committee on Engrossed Second Substitute House Bill No. 758 be adopted and the committee be granted the powers of Free Conference.

#### PARLIAMENTARY INQUIRY

Senator Rasmussen: "Mr. President, do we have the Free Conference Report?"

#### REPLY BY THE PRESIDENT

President Cherberg: "The Free Conference Committee Report should be on your desk. It was distributed on April 25 at 8:30 p.m."

The President declared the question before the Senate to be the motion by Senator Owen to adopt the Report of the Conference Committee on Engrossed Second Substitute House Bill No. 758 and to grant the powers of Free Conference.

The motion by Senator Owen carried and the Report of the Conference Committee on Engrossed Second Substitute House Bill No. 758 was adopted and the committee was granted the powers of Free Conference.

#### MESSAGE FROM THE HOUSE

April 26, 1987

Mr. President:

The House has adopted the Report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 5439 and has granted said committee the powers Free Conference. The Report of the Conference Committee is herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

## REPORT OF CONFERENCE COMMITTEE

RE: ESSB 5439Relating to the department of natural resources.

April 25, 1987

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom the above measure was referred, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the bill as follows:

On page 1, after line 4, insert the following:

\*Sec. 1. Section 1, chapter 210, Laws of 1971 ex. sess. as last amended by section 1, chapter 163, Laws of 1985 and RCW 43.51.270 are each amended to read as follows:

(1) The board of natural resources and the state parks and recreation commission shall negotiate a sale to the state parks and recreation commission, for park and outdoor recreation purposes, of the trust lands withdrawn as of August 9, 1971 pursuant to law for park purposes and included within the state parks listed in subsection (2) of this section: PROVIDED, That the sale shall be by contract with a pay-off period of not less than ten years, a price of eleven million twenty-four thousand seven hundred forty dollars or the fair market value, whichever is higher, for the land value, and interest not to exceed six percent. All fees collected by the commission beginning in the 1973-1975 biennium shall be applied to the purchase price of the trust lands listed in subsection (2) of this section; the acquisition of the property described in subsections (3) and (4) of this section, and all reasonable costs of acquisition, described in subsection ((4)) (5) of this section; the renovation and redevelopment of state park structures and facilities to extend the original life expectancy or correct damage to the environment of state parks; the maintenance and operation of state parks; and any cost of collection pursuant to appropriations from the trust land purchase account created in RCW 43.51.280. The department of natural resources shall not receive any management fee pursuant to the sale of the trust lands listed in subsections (2) and (4) of this section. Timber on the trust lands which are the subject of subsections (2), (3), and (4) of this section shall continue to be under the management of the department of natural resources until such time as the legislature appropriates funds to the parks and recreation commission for purchase of said timber. The state parks which include trust lands which shall be the subject of this sale pursuant to this section are:

- (2) (a) Penrose Point
- (b) Kopachuck
- (c) Long Beach
- (d) Leadbetter Point
- (e) Nason Creek
- (f) South Whidbey
- (g) Blake Island
- (h) Rockport
- (i) Mt. Pilchuck
- (j) Ginkgo
- (k) Lewis & Clark
- (l) Rainbow Falls
- (m) Bogachiel
- (n) Sequim Bay
- (o) Federation Forest
- (p) Moran
- (q) Camano Island
- (r) Beacon Rock
- (s) Bridle Trails
- (t) Chief Kamiakin (formerly Kamiak Butte)
- (u) Lake Wenatchee
- (v) Fields Springs
- (w) Sun Lakes
- (x) Scenic Beach.

(3) The board of natural resources and the state parks and recreation commission shall negotiate a mutually acceptable transfer for adequate consideration to the state parks and recreation commission to be used for park and recreation purposes:

- (a) All the state-owned Heart Lake property, including the timber therein, located in section 36, township 35 north, range 1E, W.M. in Skagit county;
- (b) The Moran Park Additions, including the timber thereon, located in sections 16, 17, 19, 26, and 30, township 37 north, range 1W, W.M.;
- (c) The Fort Ebey Addition (Partridge Point), including the timber thereon, located in section 36, township 32 north, range 1W, W.M. and section 6, township 31 north, range 1E, W.M.;

(d) The South Whidbey Addition (Classic U), including the timber thereon, located in section 29, township 30 north, range 2E, W.M.; and

(e) The Larrabee Addition, including the timber thereon, located in section 29, township 37 north, range 3E, W.M.

(4) The board of natural resources and the state parks and recreation commission shall negotiate a sale to the state parks and recreation commission of the lands and timber thereon identified in the joint study under section 4, chapter 163, Laws of 1985, and commonly referred to as:

(a) The Packwood trust property, Lewis county -- located on the Cowlitz river at Packwood;

(b) The Iron Horse (Bullfrog) trust property -- adjoining the John Wayne Pioneer Trail at Iron Horse State Park;

(c) The Lake Sammamish (Providence Heights) trust property, King county -- adjacent to Hans Jensen Youth Camp area at Lake Sammamish State Park;

(d) The Point Lawrence trust property, San Juan county -- on the extreme east point of Orcas Island;

(e) The Huckleberry Island trust property, Skagit county -- between Guemes Island and Saddlebag Island State Park;

(f) The Larrabee trust property addition, Whatcom county -- northeast of Larrabee State Park and Chuckanut Mountain;

(g) The Hoypus Hill trust property, Island county -- south of the Hoypus Point natural forest area at Deception Pass State Park;

Payment for the property described in this subsection shall be derived from the trust land purchase account established pursuant to RCW 43.51.280. Timber conservation and management practices provided for in RCW 43.51.045 and 43.51.395 shall govern the management of land and timber transferred under this subsection as of the effective date of the transfer.

(5) The funds from the trust land purchase account designated for the acquisition of the property described in subsections (3) and (4) of this section, and the reasonable costs of acquisition, shall be deposited in the park land trust revolving fund, hereby created, to be utilized by the department of natural resources for the exclusive purpose of acquiring real property as a replacement for the property described in subsections (3) and (4) of this section to maintain the land base of the common school trust lands and for the reimbursement of the department of natural resources for all reasonable costs, to include, but not exclusively, the appraisal and cruising of the timber on the property for the acquisition of the property described in subsections (3) and (4) of this section. Disbursements from the park land trust revolving fund to acquire replacement property, and pay for all reasonable costs of acquisition, for the property described in subsections (3) and (4) of this section shall be on the authorization of the board of natural resources. In order to maintain an effective expenditure and revenue control, the park land trust revolving fund shall be subject in all respects to chapter 43.88 RCW, but no appropriation shall be required to permit expenditures and payment of obligations from the fund. The state treasurer shall be custodian of the revolving fund.

The department of natural resources shall pay all reasonable costs, to include, but not exclusively, the appraisal and cruising of the timber on the property for the acquisition of the property described in subsection (3) of this section from funds provided in the trust land purchase account. Any agreement for the transfer of the property described in subsection (3) of this section shall not have an interest rate exceeding ten percent.

The parks and recreation commission is authorized to accept, receive, disburse, and administer grants or funds or gifts from any source including private individuals, public entities, and the federal government to supplement the funds from the trust land purchase account for the purchase of the property described in subsection (3) of this section.

Sec. 2. Section 2, chapter 210, Laws of 1971 ex. sess. as last amended by section 34, chapter 57, Laws of 1985 and by section 2, chapter 163, Laws of 1985 and RCW 43.51.280 are each reenacted and amended to read as follows:

There is hereby created the trust land purchase account in the state treasury. Any revenues accruing to this account shall be used for the purchase of the property described in RCW 43.51.270(3)(a), to include all reasonable costs of acquisition, and a fee interest or such other interest in state trust lands presently used for park purposes as the state parks and recreation commission shall determine and to reimburse the state parks and recreation commission for the cost of collecting such fees beginning with the 1973-75 fiscal biennium. Any funds remaining in the account shall be used for the renovation and redevelopment of state park structures and facilities to extend the original life expectancy or correct damage to the environment of state parks and for the maintenance and operation of state parks in the 1981-83 biennium. Thereafter, the funds shall not be used for such purposes until the money in the account satisfies the payment required to be made in the contract for sale of lands in RCW 43.51.270(2), the acquisition of the property described in RCW 43.51.270(3)(a), those amounts necessary to pay for the remaining trust assets of timber situated on the lands described in RCW 43.51.270(2), and for the acquisition of the property described in RCW 43.51.270(3) (b), (c), (d), and (e) and 43.51.270(4) on a schedule satisfactory to the board of natural resources. Payments may be delayed for

property described in RCW 43.51.270(3) (b), (c), (d), and (e) until the existing contract for purchase of lands in RCW 43.51.270(2) has been paid off. Payments for the property in RCW 43.51.270(4) may be delayed until contracts for purchase of lands and timber described in RCW 43.51.270 (2) and (3) have been paid off. Payments from the account for those parcels included in RCW 43.51.270(4) shall be established on a schedule which is mutually acceptable to the board of natural resources and the parks and recreation commission. All earnings of investments of balances in the trust land purchase account shall be credited to the general fund.

NEW SECTION. Sec. 3. A new section is added to chapter 43.51 RCW to read as follows:

The parks and recreation commission and the department of natural resources may periodically conduct a joint review of trust lands managed by the department to identify those parcels which may be appropriate for transfer to the commission for public recreation purposes."

Renumber the following sections consecutively and correct internal references accordingly.

On page 1, line 1 of the title, strike "and"

On page 1, line 2 of the title, after "RCW" insert "43.51.270,"

On page 1, line 3 of the title, after "58.24.070" insert "; reenacting and amending RCW 43.51.280; and adding a new section to chapter 43.51 RCW"

Signed by: Senators Owen, Metcalf, DeJarnatt; Representatives Sutherland, Spanel, S. Wilson.

#### MOTION

On motion of Senator Owen, the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 5439 was adopted and the committee was granted the powers of Free Conference.

#### MESSAGE FROM THE HOUSE

April 26, 1987

Mr. President:

The House has adopted the Report of the Free Conference Committee on SUBSTITUTE SENATE BILL NO. 5163 and has passed the bill as amended by the Free Conference Committee. The Report of the Free Conference Committee is herewith transmitted.

#### REPORT OF FREE CONFERENCE COMMITTEE

RE: SSB 5163

Changing provisions relating to midwives.

April 23, 1987

Mr. President:

Mr. Speaker:

We of your Free Conference Committee, to whom the above measure was referred, have had the same under consideration and we recommend that the measure be amended as proposed under the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on Substitute Senate Bill No. 5163, read in on April 25, 1987.)

Signed by: Senators Wojahn, Anderson, Garrett; Representatives Braddock, Spanel, Brooks.

#### MOTION

Senator Wojahn moved that the Senate adopt the Report of the Free Conference Committee on Substitute Senate Bill No. 5163.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Wojahn to adopt the Report of the Free Conference Committee on Substitute Senate Bill No. 5163.

The motion by Senator Wojahn carried and the Report of the Free Conference Committee on Substitute Senate Bill No. 5163 was adopted.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5163, as amended by the Free Conference Committee.

## ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5163, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vogt, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 45.

Excused: Senators Bottiger, Hayner, McDermott, McDonald - 4.

SUBSTITUTE SENATE BILL NO. 5163, as amended by the Free Conference Committee, having received the 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 HOUSE

April 23, 1987

Mr. President:

The House refuses to recede from its amendments to SECOND SUBSTITUTE SENATE BILL NO. 5086 and again asks the Senate to concur therein, and the same are herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

## MOTION

On motion of Senator Halsan, the rules were suspended, Second Substitute Senate Bill No. 5086 was returned to second reading and read the second time.

## MOTION

Senator Halsan moved that the following amendment by Senators Halsan, Talmadge, Smitherman, Nelson and Moore be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. 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 that portion of an offender's community placement that represents the amount of early release time an offender earns in partial or total confinement.

(4) "Community placement" is a department of corrections program designed to intensify monitor offenders convicted of any sex offense or offense categorized as seriousness level VII or greater under RCW 9.94A.320, following transfer from partial or total confinement. Community placement may consist of entirely community custody, entirely postrelease supervision, or a combination of the two depending on the amount of early release time an offender earns in partial or total confinement. Community placement shall not exceed one year following transfer from partial or total confinement to community custody or direct placement upon postrelease supervision from partial or total confinement. However, community custody may exceed one year in the case of a sex offender who completes his or her treatment program under RCW 9.94A.120(7)(b) before the expiration of the term of confinement.

(5) "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)) (6) "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).

(7) "Conditional release" is an unsupervised one-year period following transfer from community placement for offenders convicted of an offense categorized as seriousness level VII or greater under RCW 9.94A.320 and following an offender's release from total or partial confinement with the department of corrections in all other cases. An offender who is only sentenced to a term of confinement in the county jail does not receive conditional release following their release from jail or any community supervision that may be imposed. During conditional release the conditions under RCW 9.94A.120(8)(d) apply.

Conditional release is not a department of corrections program and the department of corrections has no role, duty or obligation to supervise or in any way control offenders on this status. Violations, if any, may be adjudicated by the courts, upon petition of the prosecuting attorney, pursuant to section 8 of this act.

((5)) (8) "Confinement" means total or partial confinement as defined in this section.

((6)) (9) "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)) (10) "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)) (11) (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)) (12) "Department" means the department of corrections.

((10)) (13) "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)) (14) "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)) (15) "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)) (16) "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)) (17) "Fines" means the requirement that the offender pay a specific sum of money over a specific period of time to the court.

((15)) (18) (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)) (19) "Nonviolent offense" means an offense which is not a violent offense.

((17)) (20) "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)) (21) "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 other unit of government, for a substantial portion of each day with the balance of the day spent in the community.

(22) "Postrelease supervision" is that portion of an offender's community placement in excess of the amount of early release time an offender has earned in partial or total confinement which has been served in community custody. Community custody and postrelease supervision shall not exceed one year in the aggregate from the offender's release from partial or total confinement.

((19)) (23) "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)) (24) "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)) (25) "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)) (26) "Sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

((23)) (27) "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)) (28) "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)) (29) "Victim" means any person who has sustained physical or financial injury to person or property as a direct result of the crime charged.

((26)) (30) "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 (a) of this 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 (a) or (b) of this subsection ((26)(a) or (b) of this section)).

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 re-enacted 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))~~ 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; or

(vii) Refrain from committing violent offenses, offenses involving a deadly weapon, and any felony violation of the uniform controlled substances act.

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 on or after July 1, 1987, and is sentenced ((on or after July 1, 1987;)) 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)(b) of this section.

If the offender violates any of the terms of community ~~((supervision))~~ custody, the ((court)) department may order the offender to serve ~~((out the balance of his community supervision term in confinement in the custody of the department of corrections))~~ a maximum of sixty days for each violation in partial or total confinement not to exceed the total period of community placement.

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)(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, committed on or after July 1, 1987, or an offense categorized as seriousness level VII or greater under RCW 9.94A.320, committed on or after July 1, 1988, 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, and shall thereafter be placed on postrelease supervision for the balance of the offender's community placement. Following completion of community placement, if any, the offender shall be placed on one year of conditional release.

(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, committed on or after July 1, 1987, or an offense categorized as seriousness level VII or greater under RCW 9.94A.320, committed on or after July 1, 1988, 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 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 or a specified class of individuals;

(iii) The offender shall participate in treatment or counseling services;

(iv) The offender shall not consume alcohol;

(v) The residence location and living arrangements of a sex offender shall be subject to the prior approval of the department of corrections; or

(vi) The offender shall comply with any crime-related prohibitions.

(d) Those offenders sentenced to the department of corrections for an offense other than a sex offense or an offense categorized as less than seriousness level VII under RCW 9.94A.320, committed on or after July 1, 1988, shall receive conditional release one year following release from total or partial confinement.

(e) An offender on conditional release following a period of community placement shall be subject only to the conditions specified by (c) (ii) and (iii) of this subsection. An offender on conditional release who has not been on community placement shall not be subject to conditions under this subsection, but shall only be subject to an enhancement of the offender's score under RCW 9.94A.330 for any new felonies committed during the period of conditional release.

(f) Within thirty days prior to release from confinement and throughout the period of community placement, the conditions of supervision may be modified by the sentencing court, upon motion of the offender or the prosecuting attorney.

(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)~~ 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))~~ (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)~~ 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, refraining from committing violent offenses, offenses involving a deadly weapon, and any felony violation of the uniform controlled substances act, and such other instructions that allow for the monitoring of court-imposed conditions.

~~((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. 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) Except for persons convicted of a sex offense or an offense categorized as seriousness level VII or greater under RCW 9.94A.320, 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. Persons convicted of a sex offense or an offense categorized as seriousness level VII or greater under RCW 9.94A.320 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 person convicted of a sex offense or an offense categorized as seriousness level VII or greater under RCW 9.94A.320 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.

(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) No more than the final ~~(three)~~ six months of the sentence may be served in partial years;

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)) (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. 4. 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 5 of this act shall not be considered a sanction.

NEW SECTION, Sec. 5. 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. 6. A new section is added to chapter 72.09 RCW to read as follows:

An offender in community custody who wilfully 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.

Sec. 7. 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.

NEW SECTION, Sec. 8. A new section is added to chapter 9.94A RCW to read as follows:

If the offender violates any condition of postrelease supervision or conditional release following community placement, a hearing may be conducted in the same manner as provided in RCW 9.94A.200. Jurisdiction shall be with the court of the county in which the offender was sentenced. However, the court may order a change of venue to the offender's county of residence or where the violation occurred, for the purpose of holding a violation hearing. The district courts shall have concurrent jurisdiction with the superior courts after a certified copy of the judgment and sentence is filed.

After the hearing, the court may order the offender to be confined for up to sixty days in the county jail, the first thirty of which shall be at state expense from funds provided for this purpose to the department of corrections, and the second thirty of which, together with costs of indigent defense, shall be at county expense. Reasonable 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 or conditions has expired, an offender may be confined for a violation occurring during the period of supervision or conditions if the petition to revoke is filed within the period of supervision or seven days thereafter. The court shall retain jurisdiction for the purpose of holding the violation hearing and imposing a sanction.

Sec. 9. 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.

(2) The period of community placement 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 5 of this 1987 act and is later found not to have violated a condition or requirement of community placement, time spent in total confinement due to such detention shall not toll the period of community placement. The period of community placement 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 placement, the date for the tolling of the sentence shall be established by the department of corrections.

(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.

NEW SECTION. Sec. 10. A new section is added to chapter 72.09 RCW to read as follows:

The state of Washington, the department, community corrections officers, their staff, and volunteers who assist community corrections officers in the community placement program are not liable for civil damages resulting from any act or omission in the rendering of community placement 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. 11. 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) The state has the burden of showing noncompliance by a preponderance of the evidence. 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 noncompliance shall be credited against any confinement order by the court. Any confinement served as a violation for committing new offenses shall be credited towards the confinement imposed for the new conviction and shall not exceed sixty days or the term of confinement for the new conviction; 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. 12. Section 7, chapter 115, Laws of 1983 as last amended by section 25, chapter 257, Laws of 1986 and RCW 9.94A.360 are each amended to read as follows:

The offender score is measured on the horizontal axis of the sentencing grid. The offender score rules, partially summarized in Table 3, RCW 9.94A.330, are as follows:

The offender score is the sum of points accrued under subsections (1) through ~~((14))~~ (15) of this section rounded down to the nearest whole number.

(1) A prior conviction is a conviction which exists before the date of sentencing for the offense for which the offender score is being computed. Convictions entered or sentenced on the same date as the conviction for which the offender score is being computed shall be deemed "other current offenses" within the meaning of RCW 9.94A.400.

(2) Except as provided in subsections (3) and (13) of this section, class A prior felony convictions shall always be included in the offender score. Class B prior felony convictions shall not be included in the offender score, if since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent ten consecutive years in the community without being convicted of any felonies. Class C prior felony convictions shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent five consecutive years in the community without being convicted of any felonies.

Serious traffic convictions shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender spent five years in the community without being convicted of any serious traffic or felony traffic offenses. This subsection applies to both adult and juvenile prior convictions. Out-of-state convictions for offenses shall be classified according to the comparable offense definitions and sentences provided by Washington law.

(3) Include class A juvenile felonies only if the offender was 15 or older at the time the juvenile offense was committed. Include class B and C juvenile felony convictions only if the offender was 15 or older at the time the juvenile offense was committed and the offender was less than 23 at the time the offense for which he or she is being sentenced was committed.

(4) Score prior convictions for felony anticipatory offenses (attempts, criminal solicitations, and criminal conspiracies) the same as if they were convictions for completed offenses.

(5) In the case of multiple prior convictions, for the purpose of computing the offender score, count all convictions separately, except:

(a) Prior adult offenses which were found, under RCW 9.94A.400(1)(a), to encompass the same criminal conduct, shall be counted as one offense, the offense that yields the highest offender score. The current sentencing court shall determine with respect to other prior adult offenses for which sentences were served concurrently whether those offenses shall be counted as one offense or as separate offenses, and if the court finds that they shall be counted as one offense, then the offense that yields the highest offender score shall be used;

(b) Juvenile prior convictions entered or sentenced on the same date shall count as one offense, the offense that yields the highest offender score; and

(c) In the case of multiple prior convictions for offenses committed before July 1, 1986, for the purpose of computing the offender score, count all adult convictions served concurrently as one offense, and count all juvenile convictions entered on the same date as one offense. Use the conviction for the offense that yields the highest offender score.

(6) If the present conviction is one of the anticipatory offenses of criminal attempt, solicitation, or conspiracy, count each prior conviction as if the present conviction were for a completed offense.

(7) If the present conviction is for a nonviolent offense and not covered by subsection (11), (12), or (13) of this section, count one point for each adult prior felony conviction and one point for each juvenile prior violent felony conviction and 1/2 point for each juvenile prior nonviolent felony conviction.

(8) If the present conviction is for a violent offense and not covered in subsection (9), (10), (11), or (12) of this section, count two points for each prior adult and juvenile violent felony conviction, one point for each prior adult nonviolent felony conviction, and 1/2 point for each prior juvenile nonviolent felony conviction.

(9) If the present conviction is for Murder 1 or 2, Assault 1, Kidnaping 1, or Rape 1, count three points for prior adult and juvenile convictions for crimes in these categories, two points for each prior adult and juvenile violent conviction (not already counted), one point for each prior adult nonviolent felony conviction, and 1/2 point for each prior juvenile nonviolent felony conviction.

(10) If the present conviction is for Burglary 1, count prior convictions as in subsection (8) of this section; however count two points for each prior adult Burglary 2 conviction, and one point for each prior juvenile Burglary 2 conviction.

(11) If the present conviction is for a felony traffic offense count two points for each adult or juvenile prior conviction for Vehicular Homicide; count one point for each adult, and 1/2 point for each juvenile, prior conviction for each other felony offense or serious traffic offense.

(12) If the present conviction is for a drug offense count two points for each adult prior felony drug offense conviction and one point for each juvenile drug offense. All other adult and juvenile felonies are scored as in subsection (8) of this section if the current drug offense is violent, or as in subsection (7) of this section if the current drug offense is nonviolent.

(13) If the present conviction is for escape (Escape 1, RCW 9A.76.110; Escape 2, RCW 9A.76.120; Willful Failure to Return from Furlough, RCW 72.66.060; and Willful Failure to Return from Work Release, RCW 72.65.070), count only prior escape convictions in the offender score. Count adult prior escape convictions as one point and juvenile prior escape convictions as 1/2 point.

(14) If the present conviction is for Burglary 2, count priors as in subsection (7) of this section; however, count two points for each adult and juvenile prior Burglary 1 conviction, two points for each adult prior Burglary 2 conviction, and one point for each juvenile prior Burglary 2 conviction.

(15) If the present conviction is for an offense committed while the offender was under community placement or conditional release pursuant to this chapter, count one point.

Sec. 13. Section 4, chapter 115, Laws of 1983 as last amended by section 24, chapter 257, Laws of 1986 and RCW 9.94A.330 are each amended to read as follows:

TABLE 3

OFFENDER SCORE MATRIX

Prior Adult Convictions

(Score prior convictions for felony anticipatory crimes (attempts, criminal solicitations, and criminal conspiracies) the same as for the completed crime.)

Current Offenses	Serious Violent	Burglary 1	Other Violent	Vehicular Assault/Homicide	Escape
	Serious Violent	3	2	2	2
Burglary 1	2	2	2	2	1
Other Violent	2	2	2	2	1
Felony Traffic	1	1	1	2	1
Escape	0	0	0	0	1
Burglary 2	1	2	1	1	1
Other					
Non-Violent	1	1	1	1	1
Drug	1	1	1	1	1
	Burglary 2	Other Felony Traffic	Serious Traffic	Other Non-Violent	Drug
Current Offenses	2				
Serious Violent	1	1	0	1	1
Burglary 1	2	1	0	1	1
Other Violent	1	1	0	1	1
Felony Traffic	1	1	1	1	1
Escape	0	0	0	0	0
Burglary 2	2	1	0	1	1
Other					
Non-Violent	1	1	0	1	1
Drug	1	1	0	1	2

Prior Juvenile Convictions

(Score prior convictions for felony anticipatory crimes (attempts, criminal solicitations, and criminal conspiracies) the same as for the completed crime.)

Current Offenses	Serious Violent	Burglary 1	Other Violent	Vehicular Assault/Homicide	Escape
	Serious Violent	3	2	2	2
Burglary 1	2	2	2	2	1/2
Other Violent	2	2	2	2	1/2
Felony Traffic	1/2	1/2	1/2	2	1/2
Escape	0	0	0	0	1/2
Burglary 2	1/2	2	1/2	1/2	1/2
Other					
Non-Violent	1/2	1/2	1/2	1/2	1/2
Drug	1/2	1/2	1/2	1/2	1/2
	Burglary 2	Other Felony Traffic	Serious Traffic	Other Non-Violent	Drug
Current Offenses	2				
Serious Violent	1/2	1/2	0	1/2	1/2
Burglary 1	1	1/2	0	1/2	1/2
Other Violent	1/2	1/2	0	1/2	1/2
Felony Traffic	1/2	1/2	1/2	1/2	1/2
Escape	0	0	0	0	0
Burglary 2	1	1/2	0	1/2	1/2
Other					
Non-Violent	1/2	1/2	0	1/2	1/2
Drug	1/2	1/2	0	1/2	1

Status at Time of Current Offense

On community placement or conditional release	1
Not on community placement or conditional release	0

Sec. 14. 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. 15. 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 a 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. 16. 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. 17. 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. 18. 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.

NEW SECTION, Sec. 19. Increased sanctions authorized by this act are applicable only to those persons committing offenses after the effective date of this act.

NEW SECTION, Sec. 20. 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."

#### POINT OF INQUIRY

Senator Newhouse: "Senator Halsan, do you have an idea of the fiscal impact of the bill with this amendment?"

Senator Halsan: "Yes, I do. The bill that we passed previously out of the Senate had a fiscal impact of approximately \$200,000 during this biennium and approximately \$8.3 million over the next six years. This particular proposal is in the neighborhood of about \$5,000,000 over six years and about \$150,000 for this biennium. Actually, perhaps I misspoke myself, there is also a one year delayed effective date, so that would put it down to about \$75,000 this biennium and \$4.2 million for the next six years."

Further debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senators Halsan, Talmadge, Smitherman, Nelson and Moore.

The motion by Senator Halsan carried and the amendment was adopted.

#### MOTIONS

On motion of Senator Halsan, the following title amendment was adopted:

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, 9.94A.170, 9.94A.200, 9.94A.360, 9.94A.330, 9.94A.110, 9.94A.195, 9.94A.380, 9.94A.383, and 9.94A.400; 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."

#### MOTION

On motion of Senator Halsan, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5086, under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Second Substitute Senate Bill No. 5086, under suspension of the Rules.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Second Substitute Senate Bill No. 5086, under suspension of the Rules, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, Metcalfe, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognil, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 45.

Excused: Senators Bottiger, Hayner, McDermott, McDonald - 4.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5086, under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### PARLIAMENTARY INQUIRY

Senator Rasmussen: "Mr. President, may I pose a question of parliamentary inquiry to the President? I would only ask you to take a look at it when the next moment of relaxation comes. I have in my hand here Engrossed Second Substitute House Bill No. 758 with a date on it of April 25, 8:30 p.m. We granted a Conference Committee on this bill for today at approximately 12:15. We granted the powers of Free Conference on this bill at 3:20 p.m. today, but yet the date that we would be going by for the twenty-four hour notice is this and I am wondering if possibly the Clerk's office made a mistake. You can't have a Free Conference Report or a Free Conference until you've appointed a committee and we did not do that until noon today.

"At 3:20 we again asked to have a Free Conference because we couldn't agree and they were appointed at 3:20 p.m. Now, is that the date that we get our twenty-four hours? This is quite a thick bill. I might point out it is a game bill that had numerous amendments. I would not ask you to make a decision at this time, Mr. President, but at the appropriate time I would ask the question again and would hope that we could have an answer. The Secretary's staff is very efficient, but they are very rushed and there are numerous places here--the reason I ask the question is, this is quite controversial."

#### POINT OF ORDER

Senator Vognil: "Mr. President, I raise the point of order that Engrossed Second Substitute House Bill No. 758 is not before this body."

#### REPLY BY THE PRESIDENT

President Cherberg: "Your point is well taken, Senator."

#### MESSAGE FROM THE HOUSE

April 26, 1987

Mr. President:

The House has adopted the Report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 5071 and has passed the bill as recommended by the Conference Committee. The Report of the Conference Committee is herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

#### REPORT OF CONFERENCE COMMITTEE

RE: ESSB 5071

Changing provisions relating to dangerous waste.

April 25, 1987

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom the above measure was referred, have had the same under consideration and we recommend the following:

That the House Environmental Affairs Committee amendments be adopted with the exception of the following:

On page 7, beginning on line 11 of the amendment, strike everything through "laws." on page 8, line 11 of the amendment

On page 8, line 20 of the title amendment, after "70.105.050;" strike everything through "43.21A RCW;" on line 21 of the title amendment.

Signed by: Senators Bottiger, Kreidler, Bluechel; Representatives Rust, Jesernig, Walker.

#### MOTION

Senator Kreidler moved that the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 5071 be adopted.

#### POINT OF INQUIRY

Senator Vognild: "Senator Kreidler, I will perhaps ask this question two or three times before this session is over. Is there anything in this Conference Report that relates to the siting of waste facilities in or out of county lines?"

Senator Kreidler: "Absolutely nothing."

#### POINT OF INQUIRY

Senator Bluechel: "Senator Kreidler, is it your understanding that the definition of hazardous waste in Section 1, subsection (15) includes only substances that are composed of both radioactive and hazardous components and does not include substances that are solely radioactive?"

Senator Kreidler: "Senator Bluechel, yes, that is the answer to the question. For a waste to be radioactive--to be included in the definition of hazardous waste--it must include a hazardous or chemical component--it must include those. It may not simply be radioactive without such a component."

The President declared the question before the Senate to be the motion by Senator Kreidler to adopt the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 5071.

The motion by Senator Kreidler carried and the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 5071 was adopted.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 5071, as recommended by the Conference Committee.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 5071, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 44; nays, 1; excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 44.

Voting nay: Senator Garrett - 1.

Excused: Senators Bottiger, Hayner, McDermott, McDonald - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5071, as recommended by the Conference Committee, having received the 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 HOUSE

April 26, 1987

Mr. President:

The House has adopted the Report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 5479 and has granted said committee the powers of Free Conference. The Report of the Conference Committee is herewith transmitted.

## REPORT OF CONFERENCE COMMITTEE

RE: ESSB 5479Providing for the improvement of teachers and schools.

April 25, 1987

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom the above measure was referred, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the bill as follows:

Strike everything after the enacting clause and insert the following:

## \*PART I-A

## SCHOOLS FOR THE TWENTY-FIRST CENTURY

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.

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 and with the state board's duties under section 111 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 at least 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, after 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 and 104 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 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.** (1) 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.

(2) The schools for the twenty-first century pilot program account is hereby established in the custody of the state treasurer. The superintendent of public instruction shall deposit in the account all moneys received under this section. Moneys in the account may be spent only for the purposes of sections 102 through 114 of this act. Disbursements from this account shall be on the authorization of the superintendent of public instruction or the superintendent's designee. The account is subject to the allotment procedure provided under chapter 43.88 RCW, but no appropriation is required for disbursements.

**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 which are directly related to the goals of the selected projects.

**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 and 104 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 and 104 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 I-B

#### PRIMARY BLOCK EDUCATION PROGRAMS

**NEW SECTION.** Sec. 117. A new section is added to Title 28A RCW to read as follows:

The superintendent of public instruction shall develop a model plan for providing support and technical assistance to schools or school districts deciding to develop and implement programs in "continuous progress" or "primary block" education in grades kindergarten through three. The model shall be designed to provide support and technical assistance for district-developed or building-developed programs that emphasize student progress in and through grades kindergarten through three based on ability and skill rather than age.

**NEW SECTION.** Sec. 118. A new section is added to Title 28A RCW to read as follows:

The superintendent of public instruction may establish a program to award funds on a grant basis to school districts for pilot primary block education programs. If the superintendent establishes the program, the superintendent shall adopt rules under chapter 34.04 RCW establishing evaluative criteria for the selection of pilot primary block education programs and the award of grants for the programs. The superintendent of public instruction may appoint an advisory committee to assist in establishing the criteria for the selection of pilot primary block education programs and to make recommendations to the superintendent regarding the award of grants.

**NEW SECTION.** Sec. 119. A new section is added to Title 28A RCW to read as follows:

(1) Pursuant to the establishment of a program to award grants to school districts for pilot primary block education programs as provided under section 118 of this act, school districts shall be required to submit written grant applications to the superintendent of public instruction no later than May 1 of any state fiscal year in which funds may be available for purposes of awarding grants for pilot primary block education programs.

(2) The advisory committee that the superintendent of public instruction may appoint under section 118 of this act, if appointed, shall, no later than May 20 of any state fiscal year in which funds may be available for the purposes of awarding grants for pilot primary block education programs, review the grant applications and make recommendations to the superintendent regarding the award of grants.

(3) The superintendent of public instruction shall select school districts for pilot primary block education program grant awards no later than June 1 of any state fiscal year in which funds may be available for such purposes.

**NEW SECTION.** Sec. 120. A new section is added to Title 28A RCW to read as follows:

(1) The superintendent of public instruction may accept, receive, and administer for the purposes of sections 118 through 122 of this act such gifts, grants, and contributions as may be provided from public and private sources for the purposes of sections 118 through 122 of this act.

(2) The primary block education grant program account is hereby established in the custody of the state treasurer. The superintendent of public instruction shall deposit in the account all moneys received under this section. Moneys in the account may be spent only for the purposes of sections 118 through 122 of this act. Disbursements from the account shall be on authorization of the superintendent of public instruction or the superintendent's designee. The account is subject to the allotment procedure provided under chapter 43.88 RCW, but no appropriation is required for disbursement.

**NEW SECTION.** Sec. 121. A new section is added to Title 28A RCW to read as follows:

The superintendent of public instruction may allocate state funds as may be appropriated or funds otherwise made available for the purposes of sections 117 through 122 of this act.

**NEW SECTION.** Sec. 122. A new section is added to Title 28A RCW to read as follows:

The superintendent of public instruction shall submit, biennially, a report to the legislature evaluating the achievement of students who participate in pilot primary block education programs as may be funded through grants awarded by the superintendent of public instruction under sections 118 and 119 of this act.

## 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.04 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) After June 30, 1989, no person shall be admitted to a teacher preparation program who has a combined score of less than the state-wide median score for the prior school year scored by all persons taking the Washington precollege test or who has achieved an equivalent standard score on comparable portions of other standardized tests. The state board of education shall develop criteria and adopt rules for exemptions from this subsection.

(3) The state board of education shall adopt rules to implement this section.

**NEW SECTION.** Sec. 203. A new section is added to chapter 28A.70 RCW to read as follows:

The state board of education shall require a uniform state exit examination for teacher certification candidates. Commencing August 31, 1993, 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. 204. The state board of education shall, no later than January 15, 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 provide for the administration of 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. 205. (1) The state board of education shall establish the requirements for a two-year pilot program to enhance the student teaching component of teacher preparation programs to support innovative ways to expand student teaching experiences for prospective teacher candidates and to expand opportunities for student teacher placements in school districts throughout the state. The state board shall adopt necessary rules under chapter 34.04 RCW to carry out this program.

(2) In developing the pilot program requirements, the state board shall include a requirement that each grant application be jointly developed through a process including participation by school building and school district personnel, teacher preparation program personnel, program unit members, and other personnel as appropriate. Primary administration for each grant project shall be the responsibility of one or more of the cooperating grant project participants, as determined by the grant project participants.

**NEW SECTION.** Sec. 206. As used in sections 205 through 208 of this act, the term "student teaching" includes all field experiences and opportunities for observation, tutoring, micro-teaching, and extended practicums; clinical and laboratory experiences; and internship experiences in educational settings.

**NEW SECTION.** Sec. 207. (1) The superintendent of public instruction is authorized to award grant funding on a competitive grant basis.

(2) Each grant application shall include provisions for providing appropriate and necessary training in observation and supervision and assistance skills and techniques for each participating school district cooperating teacher, and other building or district personnel who may be participants in a team concept to support the student teacher, and for each individual who



is affiliated with a teacher preparation program or programs as a field-based supervisor of student teachers.

(3) In developing the grant proposals, grant requestors are encouraged but not required to consider such models or model components as:

(a) Contracting or otherwise cooperating with an educational service district to base a supervisor or supervisors in the educational service district to supervise student teachers placed into school districts located within the educational service district;

(b) Contracting or otherwise cooperating with a community college district to base a supervisor or supervisors in the community college district to supervise student teachers placed into school districts located within the boundaries of the community college district;

(c) Training cooperating teachers to serve also as the supervisor for participating institutions;

(d) Contractual or other cooperative arrangements between teacher preparation programs to allow one institution to serve a geographic area of the state not normally served by that institution; and

(e) Contractual or other cooperative arrangements between two or more teacher preparation programs to jointly serve a geographic area of the state not normally served by the institutions.

(4) In approving grant applications for funding, the state board of education shall assure that if no more than one grant project is approved such project shall be of a nature as suggested in subsection (3)(a) of this section. The state board shall also give priority consideration to approving grant projects as suggested in subsection (3) (b) and (e) of this section.

(5) The state board of education shall give priority consideration to approving grant applications designed to involve unserved or underserved school districts and shall assure, to the extent possible, that the grant projects approved for funding reflect a geographic sampling of the state.

**NEW SECTION.** Sec. 208. Any compensation provided to certificated school district employees pursuant to the pilot program established under sections 205 through 209 of this act shall not be deemed compensation for the purposes of salary lid compliance under RCW 28A.58.095.

**NEW SECTION.** Sec. 209. The state board of education shall evaluate the pilot projects and submit a report to the legislature not later than January 15, 1990, including findings and recommendations.

**NEW SECTION.** Sec. 210. Sections 205 through 209 of this act shall expire January 16, 1990.

**NEW SECTION.** Sec. 211. Sections 205 through 209 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.

**NEW SECTION.** Sec. 212. A new section is added to chapter 28A.70 RCW to read as follows:

(1) The state board of education shall adopt rules providing that all individuals qualifying for an initial-level teaching certificate after August 31, 1992, shall possess a baccalaureate degree in the arts, sciences, and/or humanities and have fulfilled the requirements for teacher certification pursuant to RCW 28A.04.120 (1) and (2). However, candidates for grades preschool through six certificates shall have fulfilled the requirements for a major as part of their baccalaureate degree. If the major is in early childhood education, elementary education, or special education, the candidate must have at least thirty quarter hours or twenty semester hours in one academic field.

(2) The state board of education shall study the impact of eliminating the major in education under subsection (1) of this section and submit a report to the legislature by January 15, 1990. The report shall include a recommendation on whether the major in education under subsection (1) of this section should be eliminated.

(3) The initial certificate shall be valid for two years.

(4) 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. 213. A new section is added to chapter 28A.04 RCW to read as follows:

(1) The state board of education shall review the board's current teacher preparation program field experience requirements and the state teacher assistance program as it relates to beginning teachers, and adopt rules as necessary to assure that these programs are coordinated.

(2) The state board of education shall study the concept of "internship" both as it relates to the programs identified in subsection (1) of this section and as it relates to current state board teacher preparation program approval standards. Based on the study findings the board may develop and recommend to the legislature appropriate standards for a teacher internship as a requirement for initial-level teacher certification. Pursuant to any such standards the board may develop, the board shall indicate if the internship is intended to replace or be in addition

to both the board's current teacher preparation program field experience requirements and the state teacher assistance program as it relates to beginning teachers.

The state board shall consider providing for a paid internship and, as necessary, recommend payment options to the legislature.

(3) The state board shall submit to the legislature by January 15, 1990, a report relating to the provisions of subsection (2) of this section.

**NEW SECTION.** Sec. 214. 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 by January 15, 1990, 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); and (b) provide for the application of academic theory to classroom practice.

(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. 215. 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, 1992, shall possess, as a requirement of professional status, a masters degree in teaching, or a masters degree in the arts, sciences, and/or humanities.

**NEW SECTION.** Sec. 216. A new section is added to chapter 28A.04 RCW to read as follows:

The state board of education shall review and develop by January 15, 1990, standards which address the minimum professional educational requirements necessary for initial or professional certification for persons entering education from other fields, and for other persons who want to enter education. The standards shall include:

(1) An internship or field experience requirement that is coordinated with the state teacher assistance program as it relates to beginning teachers. The board shall consider providing for a paid internship and, as necessary, recommend payment options to the legislature;

(2) Completion of professional education coursework equivalent to that required for initial-level teacher certification and which may be taken as part of or in conjunction with a masters degree program required under section 215 of this act; and

(3) Teaching experience as determined by the state board.

**NEW SECTION.** Sec. 217. In developing the standards under sections 205 through 216 and 220 through 224 of this act, the state board of education shall review ways to strengthen program unit functions and processes to enhance cooperative agreements between public or private institutions of higher education and schools or school districts.

**NEW SECTION.** Sec. 218. Notwithstanding state board of education rules governing the length of time by which individuals must have obtained a standard or continuing certificate pursuant to standards of the state board of education in effect prior to 1978, in order to qualify for a continuing certificate under standards effective in 1978, any applicant who completed all requirements within the stated length of time for obtaining a certificate shall have an additional year to apply for such certificate.

**NEW SECTION.** Sec. 219. 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) Providing for the review of the preparation standards for school principals;

(2) Requiring the adoption of further rules regarding principal certification by the state board of education; and

(3) Establishing an administrators' academy.

**NEW SECTION.** Sec. 220. 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. 221. A new section is added to Title 28A RCW to read as follows:

The state board of education shall develop, in cooperation with an academy advisory committee, the standards for the implementation of an administrators' academy.

(1) The state board of education shall establish the academy advisory committee which shall be comprised of at least twelve members appointed by the state board of education and which shall include persons representing the state board, 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 state board of education shall adopt rules as necessary for the establishment and operation of the administrators' academy and the academy advisory committee.

NEW SECTION, Sec. 222. 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 state board of education 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. 223. A new section is added to Title 28A RCW to read as follows:

The state board of education shall submit a report on the implementation and progress of the school administrators' academy to the legislature by January 15, 1989.

NEW SECTION, Sec. 224. 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, 1992, the candidate shall hold a valid professional level teacher or educational staff associate certificate at the time of application for the initial level principal certificate.

(2) The candidate for a professional level principal certificate shall complete a course of study approved by the state board of education and offered by institutions of higher education, or complete a course of study approved by the state board of education and offered by specialized or general professional associations, or complete a course of study through the administrators' academy. All such courses of study shall comply with section 222 (1), (2), and (3) of this act.

NEW SECTION, Sec. 225. 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 and creation of a national board for professional teaching standards for this state and report to the legislature by January 15, 1990.

NEW SECTION, Sec. 226. 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 212 through 216 and 220 through 224 of this act by January 1, 1992.

NEW SECTION, Sec. 227. The superintendent of public instruction shall provide technical assistance to the state board of education in the conduct of the activities described in sections 202 through 232 of this act.

NEW SECTION, Sec. 228. The higher education coordinating board and the state board of education shall develop recommended legislation to enhance the masters degree requirement under section 215 of this act 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 candidates for a masters degree leading to professional-level teacher certification, especially minorities, the disadvantaged, and the needy.

(2) Work study programs for persons intending to enter a teacher preparation program leading to initial-level teacher certification or a masters degree program leading to professional-level teacher certification.

This section shall expire December 15, 1988.

NEW SECTION, Sec. 229. A new section is added to chapter 28A.04 RCW to read as follows:

(1) The state board of education shall establish an annual award program for excellence in teacher preparation to recognize higher education teacher educators for their leadership, contributions, and commitment to education.

(2) The program shall recognize annually one teacher preparation faculty member from one of the teacher preparation programs approved by the state board of education.

NEW SECTION. Sec. 230. A new section is added to chapter 28A.04 RCW to read as follows:  
The award for the teacher educator shall include:

(1) A certificate presented to the teacher educator by the governor, the president of the state board of education, and the superintendent of public instruction at a public ceremony; and

(2) A grant to the teacher program unit of the institution from which the teacher educator is selected, which grant shall not exceed two thousand five hundred dollars and which grant shall be awarded under section 232 of this act.

NEW SECTION. Sec. 231. A new section is added to chapter 28A.04 RCW to read as follows:

The state board of education shall adopt rules under chapter 34.04 RCW to carry out the purposes of sections 229 through 232 of this act. These rules shall include establishing the selection criteria for the Washington award for excellence in teacher preparation program. The state board of education is encouraged to consult with teacher educators, deans, and program unit members in developing the selection criteria.

NEW SECTION. Sec. 232. A new section is added to chapter 28A.04 RCW to read as follows:

The teacher program unit for the institution from which the teacher educator has been selected to receive an award shall be eligible to apply for an educational grant as provided under section 230 of this act. The state board of education shall award the grant after the state board has approved the grant application as long as the written grant application is submitted to the state board within one year after the award is received by the teacher educator. The grant application shall identify the educational purpose toward which the grant shall be used.

NEW SECTION. Sec. 233. 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. 234. Sections 202 through 233 of this act shall be known as the professional educator 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.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: Senators Gaspard, Bailey, Bauer; Representatives Ebersole, Peery, Betzoff.

#### MOTION

Senator Gaspard moved that the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 5479 be adopted and the powers of Free Conference be granted.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Gaspard to adopt the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 5479.

The motion by Senator Gaspard carried and the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 5479 was adopted and the powers of Free Conference were granted.

#### MESSAGE FROM THE HOUSE

April 26, 1987

Mr. President:

The House has adopted the Report of the Free Conference Committee on ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5441 and has passed the bill as amended by the Free Conference Committee. The Report of the Free Conference Committee is herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

#### REPORT OF FREE CONFERENCE COMMITTEE

RE: E2SSB 5441

Authorizing establishment of local reemployment centers.

April 25, 1987

Mr. President:

Mr. Speaker:

We of your Free Conference Committee, to whom the above measure was referred, have had the same under consideration and we recommend that the measure be amended as proposed under the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on Engrossed Second Substitute Senate Bill No. 5441, read in on April 25, 1987.)

Signed by: Senators Warnke, Smitherman; Representatives Wang, Sayan, Patrick.

#### MOTION

Senator Smitherman moved that the Senate adopt the Report of the Free Conference Committee on Engrossed Second Substitute Senate Bill No. 5441.

#### POINT OF ORDER

Senator Cantu: "Mr. President, I would like to raise the question of scope and object on the report by the committee. The committee report added a Section 8. The bill originally was designed to help the unemployed during work searches by providing a coordinated delivery service which would be authorized by the Department of Community Development establishing pilot programs for local reemployment centers in three areas of the state. The proposed conference committee amendments in Section 8, add an entirely new system administered by the

Employment Security Department of cash payments for reemployment incentives. I believe, Mr. President, that this is beyond the literal and philosophical scope and object of the Senate bill."

Debate ensued.

#### RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Cantu, the President finds that Engrossed Second Substitute Senate Bill No. 5441 is a measure authorizing the establishment of local reemployment centers to offer direct employment services and referrals to the unemployed.

"The amendments proposed by the Free Conference Committee authorize the establishment of local reemployment centers to offer direct employment services and referrals to the unemployed and authorizes the implementation of a reemployment bonus demonstration project.

"The President, therefore, finds that the proposed amendments do change the scope and object of the bill and that the point of order is well taken."

The Report of the Free Conference Committee on Engrossed Second Substitute Senate Bill No. 5441 was ruled out of order.

Engrossed Second Substitute Senate Bill No. 5441 was referred to the Free Conference Committee.

#### MESSAGE FROM THE HOUSE

April 26, 1987

Mr. President:

The House has adopted the Second Report of the Conference Committee on ENGROSSED HOUSE BILL NO. 435 and has granted said committee the powers of Free Conference. The Second Report of the Free Conference Committee is herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

#### SECOND REPORT OF FREE CONFERENCE COMMITTEE

RE: EHB 435

Revising provisions on inactive real estate licenses.

April 25, 1987

Mr. President:

Mr. Speaker:

We of your Free Conference Committee, to whom the above measure was referred, have had the same under consideration and we recommend that the measure be amended as proposed under the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Second Report of Conference Committee on Engrossed House Bill No. 435, read in on April 25, 1987.)

Signed by: Senators Warnke, McCaslin, Tanner; Representatives Wang, Cole, Patrick.

#### MOTION

On motion of Senator Smitherman, the Second Report of the Free Conference Committee on Engrossed House Bill No. 435 was adopted.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 435, as amended by the Free Conference Committee.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 435, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 41; nays, 2; absent, 2; excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Smitherman, Stratton, Talmadge, Tanner, Vogtild, von Reichbauer, Warnke, West, Williams, Wojahn - 41.

Voting nay: Senators Pullen, Zimmerman - 2.

Absent: Senators Metcalf, Sellar - 2.

Excused: Senators Bottiger, Hayner, McDermott, McDonald - 4.

ENGROSSED HOUSE BILL NO. 435, as amended by the Free Conference Committee, having received the 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 HOUSE

April 25, 1987

Mr. President:

The House has adopted the Report of the Conference Committee on HOUSE BILL NO. 707 and has granted said committee the powers of Free Conference. The Report of the Free Conference Committee is herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

#### REPORT OF FREE CONFERENCE COMMITTEE

RE: HB 707

Increasing the goals and duties of the Washington conservation Corps.

April 25, 1987

Mr. President:

Mr. Speaker:

We of your Free Conference Committee, to whom the above measure was referred, have had the same under consideration and we recommend that the measure be amended as proposed under the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on House Bill No. 707, read in on April 25, 1987.)

Signed by: Senators Rinehart, Tanner, Bluechel; Representatives Vekich, Sayan, Beck.

#### MOTION

On motion of Senator Rinehart, the Report of the Free Conference Committee on House Bill No. 707 was adopted.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 707, as amended by the Free Conference Committee.

#### ROLL CALL

The Secretary called the roll on final passage of House Bill No. 707, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 43; nays, 1; absent, 1; excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 43.

Voting nay: Senator McCaslin - 1.

Absent: Senator Bender - 1.

Excused: Senators Bottiger, Hayner, McDermott, McDonald - 4.

HOUSE BILL NO. 707, as amended by the Free Conference Committee, having received the 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 Senator Vognild, the Senate advanced to the ninth order of business.

On motion of Senator Vognild, the following bills which were on the Consent Calendar were referred to the Committee on Rules:

ENGROSSED HOUSE BILL NO. 157,

HOUSE BILL NO. 474,

SUBSTITUTE HOUSE BILL NO. 1129.

## MOTION

At 4:18 p.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 5:37 p.m. by President Cherberg.

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

## MESSAGE FROM THE HOUSE

April 26, 1987

Mr. President:

The House has adopted the Report of the Free Conference Committee on ENGROSSED HOUSE BILL NO. 1034 and has passed the bill as amended by the Free Conference Committee.

ALAN THOMPSON, Chief Clerk

## MESSAGE FROM THE HOUSE

April 25, 1987

Mr. President:

The House concurred in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 454, and passed the bill as amended by the Senate.

SHARON L. CASE, Assistant Chief Clerk

## MESSAGE FROM THE HOUSE

April 26, 1987

Mr. President:

The House concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 63, and passed the bill as amended by the Senate.

SHARON L. CASE, Assistant Chief Clerk

## MESSAGE FROM THE HOUSE

April 26, 1987

Mr. President:

The House concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 419, and passed the bill as amended by the Senate

SHARON L. CASE, Assistant Chief Clerk

## MESSAGES FROM THE HOUSE

April 24, 1987

Mr. President:

The Speaker has signed:

SENATE BILL NO. 5217,

SUBSTITUTE SENATE BILL NO. 5219,

SUBSTITUTE SENATE BILL NO. 5225,

SUBSTITUTE SENATE BILL NO. 5801,

SUBSTITUTE SENATE BILL NO. 5850, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 25, 1987

Mr. President:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 26,

SUBSTITUTE HOUSE BILL NO. 47,

SECOND SUBSTITUTE HOUSE BILL NO. 164,

SUBSTITUTE HOUSE BILL NO. 274,

SUBSTITUTE HOUSE BILL NO. 440,

HOUSE BILL NO. 462,

SECOND SUBSTITUTE HOUSE BILL NO. 586.

SUBSTITUTE HOUSE BILL NO. 611,

SUBSTITUTE HOUSE BILL NO. 646,

SUBSTITUTE HOUSE BILL NO. 739,

SUBSTITUTE HOUSE BILL NO. 786,



SECOND SUBSTITUTE HOUSE BILL NO. 813,  
 ENGROSSED HOUSE BILL NO. 831,  
 SECOND SUBSTITUTE HOUSE BILL NO. 1006,  
 HOUSE BILL NO. 1205,

HOUSE BILL NO. 1228, and the same are herewith transmitted.

SHARON L. CASE, Assistant Chief Cler

April 23, 1987

Mr. President:

The Speaker has signed:

HOUSE BILL NO. 91,  
 HOUSE BILL NO. 171,  
 SECOND SUBSTITUTE HOUSE BILL NO. 221,  
 SUBSTITUTE HOUSE BILL NO. 226,  
 SUBSTITUTE HOUSE BILL NO. 325,  
 SUBSTITUTE HOUSE BILL NO. 373,  
 SUBSTITUTE HOUSE BILL NO. 413,  
 SUBSTITUTE HOUSE BILL NO. 418,  
 SUBSTITUTE HOUSE BILL NO. 420,  
 HOUSE BILL NO. 452,  
 SUBSTITUTE HOUSE BILL NO. 498,  
 SUBSTITUTE HOUSE BILL NO. 499,  
 SUBSTITUTE HOUSE BILL NO. 523,  
 HOUSE BILL NO. 551,  
 SUBSTITUTE HOUSE BILL NO. 578,  
 SUBSTITUTE HOUSE BILL NO. 601,  
 SUBSTITUTE HOUSE BILL NO. 614,  
 HOUSE BILL NO. 629,  
 SUBSTITUTE HOUSE BILL NO. 630,  
 SUBSTITUTE HOUSE BILL NO. 644,  
 SUBSTITUTE HOUSE BILL NO. 695,  
 SUBSTITUTE HOUSE BILL NO. 755,  
 SUBSTITUTE HOUSE BILL NO. 767,  
 SUBSTITUTE HOUSE BILL NO. 776,  
 SUBSTITUTE HOUSE BILL NO. 833,  
 SUBSTITUTE HOUSE BILL NO. 844,  
 HOUSE BILL NO. 856,  
 SUBSTITUTE HOUSE BILL NO. 857,  
 SUBSTITUTE HOUSE BILL NO. 978,  
 HOUSE BILL NO. 1016,  
 SUBSTITUTE HOUSE BILL NO. 1097,  
 SUBSTITUTE HOUSE BILL NO. 1156,  
 SUBSTITUTE HOUSE BILL NO. 1160,  
 HOUSE BILL NO. 1199,

SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4023, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 26,  
 SUBSTITUTE HOUSE BILL NO. 47,  
 HOUSE BILL NO. 91,  
 SECOND SUBSTITUTE HOUSE BILL NO. 164,  
 HOUSE BILL NO. 171,  
 SECOND SUBSTITUTE HOUSE BILL NO. 221,  
 SUBSTITUTE HOUSE BILL NO. 226,  
 SUBSTITUTE HOUSE BILL NO. 274,  
 SUBSTITUTE HOUSE BILL NO. 325,  
 SUBSTITUTE HOUSE BILL NO. 373,  
 SUBSTITUTE HOUSE BILL NO. 413,  
 SUBSTITUTE HOUSE BILL NO. 418,  
 SUBSTITUTE HOUSE BILL NO. 420,

SUBSTITUTE HOUSE BILL NO. 440,  
 HOUSE BILL NO. 452,  
 HOUSE BILL NO. 462,  
 SUBSTITUTE HOUSE BILL NO. 498,  
 SUBSTITUTE HOUSE BILL NO. 499,  
 SUBSTITUTE HOUSE BILL NO. 523,  
 HOUSE BILL NO. 551,  
 SUBSTITUTE HOUSE BILL NO. 578,  
 SECOND SUBSTITUTE HOUSE BILL NO. 586,  
 SUBSTITUTE HOUSE BILL NO. 601,  
 SUBSTITUTE HOUSE BILL NO. 611,  
 SUBSTITUTE HOUSE BILL NO. 614,  
 HOUSE BILL NO. 629,  
 SUBSTITUTE HOUSE BILL NO. 630,  
 SUBSTITUTE HOUSE BILL NO. 644,  
 SUBSTITUTE HOUSE BILL NO. 646,  
 SUBSTITUTE HOUSE BILL NO. 695,  
 SUBSTITUTE HOUSE BILL NO. 739,  
 SUBSTITUTE HOUSE BILL NO. 755,  
 SUBSTITUTE HOUSE BILL NO. 767,  
 SUBSTITUTE HOUSE BILL NO. 776,  
 SUBSTITUTE HOUSE BILL NO. 786,  
 SECOND SUBSTITUTE HOUSE BILL NO. 813,  
 ENGROSSED HOUSE BILL NO. 831,  
 SUBSTITUTE HOUSE BILL NO. 833,  
 SUBSTITUTE HOUSE BILL NO. 844,  
 HOUSE BILL NO. 856,  
 SUBSTITUTE HOUSE BILL NO. 857,  
 SUBSTITUTE HOUSE BILL NO. 978,  
 SECOND SUBSTITUTE HOUSE BILL NO. 1006,  
 HOUSE BILL NO. 1016,  
 SUBSTITUTE HOUSE BILL NO. 1097,  
 SUBSTITUTE HOUSE BILL NO. 1156,  
 SUBSTITUTE HOUSE BILL NO. 1160,  
 HOUSE BILL NO. 1199,  
 HOUSE BILL NO. 1205,  
 HOUSE BILL NO. 1228,  
 SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4023.

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

SECOND READING  
 CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Vognild, Gubernatorial Appointment No. 9081, Inez P. Johnson, as a member of the Board of Trustees for Whatcom Community College District No. 21, was confirmed.

APPOINTMENT OF INEZ P. JOHNSON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 38; absent, 9; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hayner, Johnson, Kreidler, McDonald, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, West, Williams, Zimmerman - 38.

Absent: Senators Hansen, Kiskaddon, Lee, McCaslin, Nelson, Sellar, Tanner, Warnke, Wojahn - 9.

Excused: Senators Bottiger, McDermott - 2.

MOTION

On motion of Senator Gaspard, Gubernatorial Appointment No. 9085, Grace Chien, as a member of the Higher Education Personnel Board, was confirmed.

## APPOINTMENT OF GRACE CHIEN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 41; absent, 7; excused, 1.

Voting yeas: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Smitherman, Stratton, Talmadge, Vogtild, von Reichbauer, West, Williams - 41.

Absent: Senators Craswell, Lee, Sellar, Tanner, Warnke, Wojahn, Zimmerman - 7.

Excused: Senator Bottiger - 1.

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

## MESSAGE FROM THE HOUSE

April 26, 1987

Mr. President:

The House has adopted the Second Report of the Conference Committee on SECOND SUBSTITUTE HOUSE BILL NO. 684 and has granted said committee the powers of Free Conference. The Second Report of the Free Conference Committee on Second Substitute House Bill No. 684 is herewith transmitted.

ALAN THOMPSON, Chief Clerk

## SECOND REPORT OF FREE CONFERENCE COMMITTEE

RE: 2SHB 684

Revising provisions relating to criminal sentencing.

April 25, 1987

Mr. President:

Mr. Speaker:

We of your Free Conference Committee, to whom the above measure was referred, have had the same under consideration and we recommend that the measure be amended as proposed under the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Second Report of Conference Committee on Second Substitute House Bill No. 684, read in earlier today.)

Signed by: Senators Talmadge, Halsan; Representatives Cooper, Locke.

## MOTION

Senator Talmadge moved that the Second Report of the Free Conference Committee on Second Substitute House Bill No. 684 be adopted.

## PARLIAMENTARY INQUIRY

Senator Nelson: "Mr. President, I have two Free Conference Committee Reports on the desk that have been distributed. The first one was April 25, 4:15 p.m. and the next one was a second report. The parliamentary inquiry is, could anybody move either report since both have the ample number of signatures?"

## REPLY BY THE PRESIDENT

President Cherberg: "The first one was ruled out of order on a scope and object ruling by the House of Representatives."

Senator Nelson: "You're saying the House ruled the first one out on scope and object?"

President Cherberg: "We are on the second one now."

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Talmadge to adopt the Second Report of the Free Conference Committee on Second Substitute House Bill No. 684.

The motion by Senator Talmadge carried and the Second Report of the Free Conference Committee on Second Substitute House Bill No. 684 was adopted.

The President declared the question before the Senate to be the roll call on final passage of Second Substitute House Bill No. 684, as amended by the Free Conference Committee.

## ROLL CALL

The Secretary called the roll on final passage of Second Substitute House Bill No. 684, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 46; nays, 2; absent, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Peterson, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Voting nay: Senators Patterson, Pullen - 2.

Absent: Senator West - 1.

SECOND SUBSTITUTE HOUSE BILL NO. 684, as amended by the Free Conference Committee, having received the 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 HOUSE

April 26, 1987

Mr. President:

The House has adopted the Report of the Free Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 5479 and has passed the bill as amended by the Free Conference Committee. The Report of the Free Conference Committee on Engrossed Substitute Senate Bill No. 5479 is herewith transmitted.

ALAN THOMPSON, Chief Clerk

## REPORT OF FREE CONFERENCE COMMITTEE

RE: ESSB 5479

Providing for the improvement of teachers and schools.

April 25, 1987

Mr. President:

Mr. Speaker:

We of your Free Conference Committee, to whom the above measure was referred, have had the same under consideration and we recommend that the measure be amended as proposed under the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on Engrossed Substitute Senate Bill No. 5479, read in earlier today.)

Signed by: Senators Gaspard, Bailey, Bauer; Representatives Ebersole, Peery, Betrozoff.

## MOTION

Senator Gaspard moved that the Report of the Free Conference Committee on Engrossed Substitute Senate Bill No. 5479 be adopted.

## POINT OF ORDER

Senator Rasmussen: "Mr. President, my notes show that the powers of Free Conference were granted at 3:40 p.m. today and that would indicate that we haven't had the powers of Free Conference after only granting them at 3:40 today. That would be out of order with the Senate Rules which require twenty-four hours after the Free Conference Committee Report."

## REPLY BY THE PRESIDENT

President Cherberg: "It's twenty-four hours from the time the report went on the desk, Senator Rasmussen--on the Secretary's desk."

Senator Rasmussen: "Mr. President, if I may, I don't wish to argue with the Secretary. He's smarter than I am, but I don't know how a Report of a Free Conference Committee could go on the Secretary's desk when the Senate itself granted the powers of Free Conference at 3:40 p.m. today. I don't wish to argue with the President, but I was watching the clock and marked it down here on my note paper. Our rules say that a Free Conference Report has to be on our desk, so we may read it--not on the Secretary's desk. He doesn't have time to read all of them."

"This is quite a heavy report. I find it difficult--I know when we give them the powers of Free Conference and I presume then we'll have it laid on our desk and read it after we've granted the powers. If we grant the powers after we get the report here, it's very hard to follow and even if they put a slip of paper on the Secretary's desk--his desk probably looks like mine--he can't really keep up with them. I would like the President's opinion on what the Senate Rules mean in regard to Free Conference. If we grant the powers at 3:40, accounting for the twenty-four hours, we are a long ways from twenty-four hours now and that means you should have time to study the report.

"I raise that as a point of order."

#### RULING BY THE PRESIDENT

President Cherberg: "Senator Rasmussen and et al. Rule 11 says that each House shall have twenty-four hours from the time of proper receipt by the Chief Clerk of the House or the Secretary of the Senate to consider reports from a Free Conference Committee. The President rules that it is properly before the body."

The President declared the question before the Senate to be the motion by Senator Gaspard to adopt the Report of the Free Conference Committee on Engrossed Substitute Senate Bill No. 5479.

The motion by Senator Gaspard carried and the Report of the Free Conference Committee on Engrossed Substitute Senate Bill No. 5479 was adopted.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 5479, as amended by the Free Conference Committee.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 5479, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 37; nays, 9; absent, 3.

Voting yea: Senators Anderson, Bailey, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarmatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, Nelson, Owen, Peterson, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 37.

Voting nay: Senators Barr, Benitz, Craswell, Metcalf, Newhouse, Patterson, Pullen, Rasmussen, Zimmerman - 9.

Absent: Senators McCaslin, Moore, West - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5479, as amended by the Free Conference Committee, having received the 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 HOUSE

April 26, 1987

Mr. President:

The House has adopted the Report of the Conference Committee on ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 758 and has granted said committee the powers of Free Conference. The Report of the Free Conference Committee is herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### REPORT OF FREE CONFERENCE COMMITTEE

RE: E2SHB 758

Establishing the department of wildlife.

April 25, 1987

Mr. President:

Mr. Speaker:

We of your Free Conference Committee, to whom the above measure was referred, have had the same under consideration and we recommend that the measure be amended as proposed under the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on Engrossed Second Substitute House Bill No. 758, read in earlier today.)

Signed by: Senators DeJarnatt, Owen; Representatives B. Williams, Sutherland, Belcher.

#### MOTION

Senator Owen moved that the Report of the Free Conference Committee on Engrossed Second Substitute House Bill No. 758 be adopted.

#### POINT OF ORDER

Senator Rasmussen: "Mr. President, I raise the point of order that the bill is not properly before us because the Free Conference Committee was only appointed at 12:00 o'clock today. According to our Senate Rules, it is not properly before us."

#### RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Rasmussen, the President finds that the Free Conference Committee Report on Engrossed Second Substitute House Bill No. 758 was on the desks of the members prior to the appointment of the Conference Committee or the granting of Free Conference powers. The President believes the Senate must suspend Joint Rule 11, Adoption of Reports, for purposes of considering the Report of the Free Conference Committee. The suspension of Joint Rule 11 requires a two-thirds vote of the members present.

"The point of order by Senator Rasmussen is well taken."

#### MOTION

Senator Owen moved that Rule 11 of the Joint Rules be suspended in order to consider Engrossed Second Substitute House Bill No. 758.

#### POINT OF ORDER

Senator Rasmussen: "Mr. President, I would raise the question of scope and object. At this time, in reading the bill--in the short time I had to read it--I noticed that it is making an appropriation and declaring an emergency. I clearly remember this body voting to strike the emergency and the Conference Committee has now come back and put the emergency in. This body did not want the emergency clause in there. It's on the last page, Mr. President, if you care to look at it when you are reviewing the scope motion."

Debate ensued.

#### POINT OF INQUIRY

Senator Pullen: "Senator Owen, the Report of the Free Conference Committee contains a lengthy title amendment including the words 'and declaring an emergency.' The striking amendment, however, does not include an emergency clause and was not intended to include an emergency clause. Does this inaccurate title cause a significant problem with the bill?"

Senator Owen: "No, Senator Pullen, there is no problem. The Code Reviser's office informs me that this clerical error will be corrected when the bill is enrolled by deleting the words 'and declaring an emergency', and will make the title comply with the Act. Thank you."

#### RULING BY THE PRESIDENT

President Cherberg: "The President believes Senator Rasmussen's point of order is not properly before the Senate until the Senate has determined whether or not the bill can survive after the two-thirds vote to suspend the rules."

The President declared the question before the Senate to be the motion by Senator Owen to suspend Rule 11 of the Joint Rules in order to consider Engrossed Second Substitute House Bill No. 758.

Senator Rasmussen demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Owen to suspend Rule 11 of the Joint Rules.

## ROLL CALL

The Secretary called the roll and the motion by Senator Owen to suspend the rules, receiving a two-thirds majority, passed the Senate by the following vote: Yeas, 34; nays, 10; absent, 5.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDonald, Nelson, Newhouse, Owen, Patterson, Saling, Smitherman, Stratton, Tanner, Vognild, Warnke, Zimmerman - 34.

Voting nay: Senators McDermott, Metcalf, Moore, Pullen, Rasmussen, Rinehart, Talmadge, von Reichbauer, Williams, Wojahn - 10.

Absent: Senators Craswell, McCaslin, Peterson, Sellar, West - 5.

## POINT OF ORDER

Senator Rasmussen: "Mr. President, I again raise my point of scope and object that the Free Conference Committee Report put something in that they were not supposed to put in because of the action of the Senate previously and by adding an emergency clause. Mr. President, if I may further? I distinctly remember you asking at the passage of every bill--'if there is no objection, the title of the bill shall remain as the title of the act.' The title is in conflict with the body of the bill and the fact that the Secretary says they do correct those things down in the Code Reviser's office--the Code Reviser only has authority to change spelling errors and obvious punctuation, but not the intent of the bill. We've never permitted the Code Reviser to change the intent of a bill. I know I am taking a lot of time, but these are important questions that should be studied."

At 6:27 p.m., the President declared the Senate to be at ease.

The Senate was called to order at 6:31 p.m. by President Cherberg.

## RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Rasmussen, the President finds that Engrossed Second Substitute House Bill No. 758 is a measure establishing the Department of Wildlife.

"The amendments proposed by the Free Conference Committee also establish the Department of Wildlife. The title states there is an emergency clause which is not found in the substance of the bill. In any event, changes in an effective date do not change the scope and object of a bill.

"The President, therefore, finds that the proposed amendments do not change the scope and object of the bill and that the point of order is not well taken."

The Report of the Free Conference Committee on Engrossed Second Substitute House Bill No. 758 was ruled in order.

## MOTION

On motion of Senator Zimmerman, Senators Lee, McCaslin and West were excused.

## POINT OF INQUIRY

Senator Rasmussen: "Senator Metcalf, in your opinion is this emergency clause being put on here deliberately to forestall a referendum on this piece of legislation?"

Senator Metcalf: "Senator Rasmussen, the emergency clause, in my opinion, was put on deliberately to forestall a referendum, but the emergency clause was taken off in the conference committee. They took off the emergency clause. It's not in the bill. The line does appear in the title only, but it is not in the bill. I saw to that. I was on the committee."

## POINT OF INQUIRY

Senator Rasmussen: "Senator Pullen, this back door attempt to put this emergency clause on, isn't this an attempt to forestall the people from having the right of referendum as backed by the Constitution?"

Senator Pullen: "I believe that the proponents of the bill originally did want an emergency clause on there to forestall a referendum. However, the bill as it came out of the Conference Committee did not have an emergency clause in the text of

the bill. It appears that the conferees, erroneously and by mistake, included reference to the declaration of an emergency in the title of the bill. That appears to have been an error and according to the answer by Senator Owen, that will be deleted by the Code Revisor."

Further debate ensued.

#### POINT OF INQUIRY

Senator Patterson: "Senator Owen, as you know many of us on the committee were quite concerned about Section 102. Section 102 provides for taking effect immediately just by a single section relating to any official or supervisory employees of the Department of Game taking any measures that are retaliatory in retaliation for the employees' support or opposition to any provision of this 1987 Act. My concern is, retaliation in this case, in the event when you slip the money, somebody might lose their job because you don't have enough money to carry on the functions of the new Department of Wildlife. Is that retaliation? What is your interpretation of what this section really does?"

Senator Owen: "Senator Patterson, I wouldn't think that retaliation would be if, in effect, the Department of Game didn't have enough money and someone lost their job. I suppose that if it were a person that lobbied different than what the Director or the Commission wished them to do, in fact, and could make a case that he or she was picked out to be removed, I suppose that could be considered retaliation.

"I would think there would be a variety of different ways that a person could be retaliated against, demotion for whatever reason or removal to a different area, actually laid off or fired, could be an example. But, I guess I couldn't articulate all of the ways that retaliation could take place, but there are, let me just cite to you the concerns of Representative Belcher in discussing this. There are a lot of Department of Game people in this area that are close enough to lobby for or against, quite readily, and in other parts of the state also, but they have expressed a concern, be it real or just perceived, they have expressed that concern and she was very strong in her desire to have this in here, so that those people could have some comfort level in the fact that they could not be retaliated against for lobbying for or against the bill. At least, there would be some effort to avoid retaliation. This body took it out and we argued that. I felt that we argued very diligently for that. In the end, we did not win, but again, it was just part of what I consider a good compromise."

The President declared the question before the Senate to be the motion by Senator Owen to adopt the Report of the Free Conference Committee on Engrossed Second Substitute House Bill No. 758.

The motion by Senator Owen carried and the Report of the Free Conference Committee on Engrossed Second Substitute House Bill No. 758 was adopted.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Second Substitute House Bill No. 758, as amended by the Free Conference Committee.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Second Substitute House Bill No. 758, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 26; nays, 19; absent, 1; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kreidler, Owen, Patterson, Peterson, Saling, Smitherman, Stratton, Tanner, Vognild, Warnke, Wojahn, Zimmerman - 26.

Voting nay: Senators Anderson, Benitz, Cantu, Craswell, Hayner, Johnson, Kiskaddon, McDonald, Metcalf, Moore, Nelson, Newhouse, Pullen, Rasmussen, Rinehart, Sellar, Talmadge, von Reichbauer, Williams - 19.

Absent: Senator McDermott - 1.

Excused: Senators Lee, McCaslin, West - 3.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 758, as amended by the Free Conference Committee, having received the 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

Senator Gaspard moved that the Conference Committee be relieved of further consideration of Engrossed Substitute House Bill No. 451.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Gaspard that the Conference Committee be relieved of further consideration of Engrossed Substitute House Bill No. 451.

The motion by Senator Gaspard carried and the Conference Committee was relieved of further consideration of Engrossed Substitute House Bill No. 451.

## MOTION

On motion of Senator Gaspard, the Senate adheres to its position regarding its amendments to Engrossed Substitute House Bill No. 451 and once again asks the House to concur therein.

## MESSAGE FROM THE HOUSE

April 26, 1987

Mr. President:

The House has adopted the Report of the Free Conference Committee on ENGROSSED SENATE CONCURRENT RESOLUTION NO. 8406 and has passed the resolution as amended by the Free Conference Committee. The Report of the Free Conference Committee is herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

## REPORT OF FREE CONFERENCE COMMITTEE

RE: ESCR 8406

Creating joint committee on marine and ocean resources.

April 24, 1987

Mr. President:

Mr. Speaker:

We of your Free Conference Committee, to whom the above measure was referred, have had the same under consideration and we recommend that the measure be amended as proposed under the request for Free Conference and that the resolution do pass, as amended by the Free Conference Committee.

(See Report of Conference Committee on Engrossed Senate Concurrent Resolution No. 8406, read in on April 25, 1987.)

Signed by: Senators Rasmussen, Metcalf, Stratton; Representatives Haugen, Basich, S. Wilson.

## POINT OF ORDER

Senator Owen: "Mr. President, I challenge the report on the grounds that it expands the scope and object of the original bill. The original bill was a bill that established the Washington State House of Representatives and Senate committee on ocean resources. What this bill provides for, as it's been amended or proposed to be amended, provides for Washington state to be a member of the Pacific Legislative Fisheries Task Force and appoints members to that. It clearly is way beyond what the original intent of what the bill was to do. The original bill was also there to assess and monitor the affects of the potential oil and gas leases and those types of resources off the coast of Washington."

Debate ensued.

## RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Owen, the President finds that Engrossed Senate Concurrent Resolution No. 8406 is a measure creating the Joint Committee on Marine and Ocean Resources.

"The amendment proposed by the Free Conference Committee provides for, among other things, Washington representation on the Pacific Fisheries Legislative Task Force.

"The President, therefore, finds that the proposed amendment does change the scope and object of the bill and that the point of order is well taken."

The Report of the Free Conference Committee on Engrossed Senate Concurrent Resolution No. 8406 was ruled out of order.

Engrossed Senate Concurrent Resolution No. 8406 was referred to the Free Conference Committee.

MESSAGE FROM THE HOUSE

April 26, 1987

Mr. President:

The House has adopted the Report of the Free Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 5439 and has passed the bill as amended by the Free Conference Committee. The Report of the Free Conference Committee is herewith transmitted.

ALAN THOMPSON, Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

RE: ESSB 5439

Relating to the department of natural resources.

April 25, 1987

Mr. President:

Mr. Speaker:

We of your Free Conference Committee, to whom the above measure was referred, have had the same under consideration and we recommend that the measure be amended as proposed under the request of Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on Engrossed Substitute Senate Bill No. 5439, read in earlier today.)

Signed by: Senators Owen, Metcalf, DeJarnatt; Representatives Sutherland, Spanel, S. Wilson

MOTION

On motion of Senator Owen, the Report of the Free Conference Committee on Engrossed Substitute Senate Bill No. 5439 was adopted.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 5439, as amended by the Free Conference Committee.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 5439, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 43; nays, 1; absent, 3; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Seiling, Smitherman, Stratton, Talmadge, Tanner, Vogt, von Reichbauer, Williams, Wojahn, Zimmerman - 43.

Voting nay: Senator Warnke - 1.

Absent: Senators McDermott, Pullen, Sellar - 3.

Excused: Senators McCaslin, West - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5439, as amended by the Free Conference Committee, having received the 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 HOUSE

April 25, 1987

Mr. President:

The House has adopted the Report of the Conference Committee on SECOND SUBSTITUTE HOUSE BILL NO. 569 and has granted said committee the powers of Free Conference. The Report of the Free Conference Committee is herewith transmitted.

ALAN THOMPSON, Chief Clerk

## REPORT OF FREE CONFERENCE COMMITTEE

RE: 2SHB 569

Establishing the Washington wine commission.

April 23, 1987

Mr. President:

Mr. Speaker:

We of your Free Conference Committee, to whom the above measure was referred, have had the same under consideration and we recommend that the measure be amended as proposed under the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on Second Substitute House Bill No. 569, read in on April 25, 1987.)

Signed by: Senators Hansen, Benitz, Kreidler; Representatives Grimm, Rayburn, Doty.

## MOTION

On motion of Senator Hansen, the Report of the Free Conference Committee on Second Substitute House Bill No. 569 was adopted.

The President declared the question before the Senate to be the roll call on final passage of Second Substitute House Bill No. 569, as amended by the Free Conference Committee.

## ROLL CALL

The Secretary called the roll on final passage of Second Substitute House Bill No. 569, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 39; nays, 5; absent, 3; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Deccio, DeJarmatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Lee, McDermott, McDonald, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Smitherman, Stratton, Tanner, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 39.

Voting nay: Senators Craswell, Kreidler, Metcalf, Moore, Talmadge - 5.

Absent: Senators Bender, Bottiger, Sellar - 3.

Excused: Senators McCaslin, West - 2.

SECOND SUBSTITUTE HOUSE BILL NO. 569, as amended by the Free Conference Committee, having received the 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 HOUSE

April 26, 1987

Mr. President:

The House insists on its position regarding the Senate amendment to HOUSE BILL NO. 277, and again asks the Senate to recede therefrom, and the same are herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

## MOTION

On motion of Senator Talmadge, the rules were suspended and House Bill No. 277 was returned to second reading and read the second time.

## MOTION

On motion of Senator Talmadge, the following amendment was adopted:

On page 1, line 9, after "~~(ten)~~" strike "sixty" and insert "thirty"

## MOTION

On motion of Senator Talmadge, the rules were suspended and House Bill No. 277, as amended by the Senate under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

## MOTION

On motion of Senator Zimmerman, Senator Benitz was excused.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 277, as amended by the Senate under suspension of the rules.

## ROLL CALL

The Secretary called the roll on final passage of House Bill No. 277, as amended by the Senate under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 45; absent, 1; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vogtild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Absent: Senator Deccio - 1.

Excused: Senators Benitz, McCaslin, West - 3.

HOUSE BILL NO. 277, as amended by the Senate under suspension of the rules, having received the 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 HOUSE

April 26, 1987

Mr. President:

The House insists on its position regarding the Senate amendments to HOUSE BILL NO. 698 and again asks the Senate to recede therefrom, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTION

Senator Halsan moved the Senate do recede from its amendments to House Bill No. 698.

## PARLIAMENTARY INQUIRY

Senator Saling: "Mr. President, a point of parliamentary inquiry, I have on my desk a revised Second Report of a Free Conference Committee for this particular bill. Should we relieve the committee of the report before we recede from the amendments?"

## REPLY BY THE PRESIDENT

President Cherberg: "The President believes that your point is well taken."

## MOTION

On motion of Senator Halsan, the Conference Committee was relieved of further consideration of House Bill No. 698.

The President declared the question before the Senate to be the motion by Senator Halsan that the Senate recede from its amendments to House Bill No. 698.

The motion by Senator Halsan carried and the Senate receded from its amendments to House Bill No. 698.

## POINT OF INQUIRY

Senator Hayner: "Senator Halsan, would you please explain precisely what is in this bill at this point?"

Senator Halsan: "Senator Hayner, just the original House Bill dealt with the ability of the counties to collect certain fees and assessments for cities. It doesn't have in it at all the interest rate problem that was of concern to Senator Garrett and Senator Williams. What was termed the McDermott amendment to 1129--it doesn't have that in it at all. It doesn't have 1129 and it doesn't have a couple of other Senate bills either. It clarifies the ability of the collection of certain assessments if they're not already collecting them."

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 698, without the Senate amendments.

## ROLL CALL

The Secretary called the roll on final passage of House Bill No. 698, without the Senate amendments, and the bill passed the Senate by the following vote: Yeas, 44; absent, 2; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Halsan, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, Metcalfe, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 44.

Absent: Senators Fleming, Hansen - 2.

Excused: Senators Benitz, McCaslin, West - 3.

HOUSE BILL NO. 698, without the Senate amendments, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## REPORT OF CONFERENCE COMMITTEE

RE: EHB 161

Requiring motorcycle helmets.

April 24, 1987

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom the above measure was referred, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the bill as follows:

That the Committee on Transportation striking amendment be adopted with the following changes:

On page 2 of the Senate Transportation striking amendment, line 8, after "of" strike "twelve" and insert "eighteen"

On page 3 of the Senate Transportation striking amendment, line 11, after "refundable," strike all material down to and including "examination." on line 20, and insert "~~((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 dollars for the initial or new category examination nor more than two dollars for a subsequent renewal examination.))~~ The fee for the initial or new category examination shall be six dollars and the subsequent renewal examination shall be four dollars."

On page 3 of the Senate Transportation Committee striking amendment, line 37, after "with" strike all the material down to and including "other" on page 4, line 5

On page 4, beginning on line 28, strike "~~((active motorcycle riders))~~" and insert "active motorcycle riders or"

On page 5, beginning on line 23, strike all of subsection (4), and renumber the remaining subsection.

On page 5, line 32, after "education" strike all material down to and including "program" on line 38 and insert "programs conducted by public and private entities"

Signed by: Senators Peterson, Wojahn; Representatives Fisher, Ferguson.

## MOTION

On motion of Senator Wojahn, the Report of the Conference Committee on Engrossed House Bill No. 161 was adopted and the committee was granted the powers of Free Conference.

## MESSAGE FROM THE HOUSE

April 26, 1987

Mr. President:

The House has adopted the Report of the Conference Committee on SECOND SUBSTITUTE SENATE BILL NO. 5453 and has granted said committee the powers Free Conference. The Report of the Conference Committee is herewith transmitted.

ALAN THOMPSON, Chief Clerk

## REPORT OF CONFERENCE COMMITTEE

RE: SSB 5453

Modifying provisions relating to respite care projects.

April 25, 1987

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom the above measure was referred, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the bill as follows:

Adopt the House Committee amendment with the following changes:

On page 4, line 26 of the committee amendment, delete "until July 1, 1989"

On page 6, line 2, after "chapter," insert the following: "The report shall at least include a comparison of the relative cost-effectiveness of the services provided under this chapter with all other programs and services which are intended to forestall institutionalization. In addition, the report shall include a similar comparison between in-home and out-of-home respite care services. The department shall make recommendations on the inclusion of respite care services under the senior citizens act for delivery and funding of respite care services described in this chapter."

Signed by: Senators Wojahn, Deccio, Tanner; Representatives Braddock, Brooks, Sprengle.

## MOTION

On motion of Senator Wojahn, the Report of the Conference Committee on Second Substitute Senate Bill No. 5453 was adopted and the committee was granted the powers of Free Conference.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 5001,  
 SUBSTITUTE SENATE BILL NO. 5024,  
 SUBSTITUTE SENATE BILL NO. 5058,  
 SENATE BILL NO. 5428,  
 SENATE BILL NO. 5550,  
 SECOND SUBSTITUTE SENATE BILL NO. 5555,  
 SENATE BILL NO. 5564,  
 SUBSTITUTE SENATE BILL NO. 5814,  
 SUBSTITUTE SENATE BILL NO. 5825,  
 SUBSTITUTE SENATE BILL NO. 5838,  
 SUBSTITUTE SENATE BILL NO. 6033.

MESSAGE FROM THE HOUSE

April 26, 1987

Mr. President:

The House has adopted the Report of the Free Conference Committee on HOUSE BILL NO. 707 and has passed the bill as amended by the Free Conference Committee.

ALAN THOMPSON, Chief Clerk

MESSAGE FROM THE HOUSE

April 26, 1987

Mr. President:

The House has adopted the Report of the Free Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1035 and has passed the bill as amended by the Free Conference Committee.

ALAN THOMPSON, Chief Clerk

MESSAGE FROM THE HOUSE

April 26, 1987

Mr. President:

The House has adopted the Report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 5854 and has passed the bill as recommended by the Conference Committee. The Report of the Conference Committee is herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

## REPORT OF CONFERENCE COMMITTEE

RE: SSB 5854Regulating continuing care retirement communities.

April 25, 1987

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom the above measure was referred, have had the same under consideration and we recommend the following:

On page 1 of the house committee amendment, as amended 4/16/87, beginning on line 7, strike the remainder of the amendment 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) 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. 5. 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.

NEW SECTION. Sec. 6. 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. 7. (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. 8. Sections 1 through 7 of this act shall constitute a new chapter in Title 70 RCW.

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.

NEW SECTION. Sec. 10. This act shall take effect on July 1, 1988."

On page 34, beginning on line 19, strike the committee title amendment and insert the following: "On page 1, line 1 of the title, after "contracts;" strike the remainder of the title and insert "adding a new chapter to Title 70 RCW; and providing an effective date."

Signed by: Senators Kreidler, Johnson; Representatives Lux, Braddock, Betrozoff.

#### MOTION

Senator Kreidler moved that the Report of the Conference Committee on Substitute Senate Bill No. 5854 be adopted.

Debate ensued.

#### MOTION

On motion of Senator Bottiger, further consideration of the Report of the Conference Committee on Substitute Senate Bill No. 5854 was deferred.

#### MESSAGE FROM THE HOUSE

April 26, 1987

Mr. President:

The House has adopted the Report of the Free Conference Committee on ENGROSSED SENATE BILL NO. 5463 and has passed the bill as amended by the Free Conference Committee. The Report of the Free Conference Committee is herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

#### REPORT OF FREE CONFERENCE COMMITTEE

RE: ESB 5463

Establishing a program to increase students' awareness of other nations.

April 25, 1987

Mr. President:

Mr. Speaker:

We of your Free Conference Committee, to whom the above measure was referred, have had the same under consideration and we recommend that the measure be amended as proposed under the request of Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on Engrossed Senate Bill No. 5463, read in earlier today.)

Signed by: Senators Fleming, Gaspard; Representatives Ebersole, Locke.



## MOTION

Senator Fleming moved that the Report of the Free Conference Committee on Engrossed Senate Bill No. 5463 be adopted.

Debate ensued.

Senator Bottiger demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Fleming to adopt the Report of the Free Conference Committee on Engrossed Senate Bill No. 5463.

## MOTION

On motion of Senator Zimmerman, Senator Metcalf was excused.

## ROLL CALL

The Secretary called the roll and the motion by Senator Fleming to adopt the Report of the Free Conference Committee carried by the following vote: Yeas, 27; nays, 18; excused, 4.

Voting yea: Senators Bauer, Bender, Bluechel, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kiskaddon, Kreidler, McDermott, Moore, Nelson, Patterson, Peterson, Rinehart, Smitherman, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 27.

Voting nay: Senators Anderson, Bailey, Barr, Cantu, Craswell, Decchio, Hayner, Johnson, Lee, McDonald, Newhouse, Owen, Pullen, Rasmussen, Saling, Sellar, Stratton, Zimmerman - 18.

Excused: Senators Benitz, McCaslin, Metcalf, West - 4.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 5463, as amended by the Free Conference Committee.

Debate ensued.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 5463, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 25; nays, 19; absent, 1; excused, 4.

Voting yea: Senators Bauer, Bluechel, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kiskaddon, Kreidler, McDermott, Moore, Owen, Peterson, Rinehart, Smitherman, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 25.

Voting nay: Senators Anderson, Bailey, Barr, Cantu, Craswell, Decchio, Hayner, Johnson, Lee, McDonald, Nelson, Newhouse, Patterson, Pullen, Rasmussen, Saling, Sellar, Stratton, Zimmerman - 19.

Absent: Senator Bender - 1.

Excused: Senators Benitz, McCaslin, Metcalf, West - 4.

ENGROSSED SENATE BILL NO. 5463, as amended by the Free Conference Committee, having received the 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 Senate resumed consideration of the pending motion by Senator Kreidler to adopt the Report of the Conference Committee on Substitute Senate Bill No. 5854, deferred earlier today.

## POINT OF INQUIRY

Senator Lee: "Senator Kreidler, does this apply to already existing congregate care centers?"

Senator Kreidler: "Yes, it does, Senator Lee, but as you can see from the report, it applies to them for consumer protection under the Attorney General's office. It also applies for them from the standpoint of an advisory council. I think you'd be hard pressed to find any of the--particularly the non-profit homes that exist in the state of Washington, without already active councils which far exceed any requirements that this would have. Nor would there be any others that we heard any objection to whatsoever. As for the consumer protection, that was something that was in the original bill and was never anything that was contested. It was recognized as something that was reasonable."

Senator Lee: "My second question, what about the situations that have rather unique kinds of contracts, not under the kind of congregate care contracts that we had a number of years ago that brought in the Wesley Gardens and the Judson Parks of this particular state--the Masonic home in particular where they have a

very different kind of contractual arrangement. Is this going to be a problem to them?"

Senator Kreidler: "Not at all. Specifically, because the consumer protection just deals with making sure the information is made available, is truthful and doesn't attempt to use fraud--that type of evidentiary requirement. It isn't anything that would have any kind of restriction as to the type of contract. It is only a requirement to make sure that what they do is truthful, is fairly presented and that type of requirement. It is not stipulating any particular aspect to the contract except that what they tell the people has to be what really is."

Senator Lee: "It's a full and truthful disclosure?"

Senator Kreidler: "Absolutely."

Senator Lee: "The third question and the last one. You had intimated from your description that the fee--the charging of a fee was no longer a part of this particular measure. Is that true?"

Senator Kreidler: "That is true, there is no fee, because the requirements in the bill as it stands right now are ones that are not going to put any financial strain on any state agency, whether it be the Insurance Commissioner's Office or the Department of Social and Health Services. It is not making any requirement of them at this time. It is only stipulating, as I pointed out--the Advisory Counsel--and bringing them under consumer protection."

#### POINT OF INQUIRY

Senator Bottiger: "Senator Kreidler, in the bill as it came out of the Senate, there was a requirement that the reserves of the retirement fund be fiscally sound so that the people who paid in advance, \$100,000, would have some guarantee that money would be there during their lifetime, or at least the service would be there. Has that been removed?"

Senator Kreidler: "That was removed, Senator, specifically, because of the cost of doing the kind of actuarial studies, both from the standpoint of the Department of Social and Health Services which currently is not involved in that type of actuarial work and the fact that you would also have the requirements of the Insurance Commissioner's office which would have also caused some financial impact. It was because the money, which was a general fund appropriation, was removed by the House, that it was not realistic to think that you could have a pay-as-you-go approach with the existing homes throughout the state, that there would be enough money generated without being a burden on them to allow those particular provisions to go into effect at this time.

"Now, let me assure you, Senator Bottiger, that is going to be part of a very extensive study during the interim so we can find a way to bring about those sorts of requirements, because I think there is general agreement as we've experienced in the past with trust accounts for such things as cemeteries and other types of functions where you need to make sure the trust funds are adequate and not being abused. We need to do something in this area, but we need a little bit more time to perfect that particular language."

Further debate ensued.

#### POINT OF ORDER

Senator Newhouse: "Mr. President, I would raise the question that there is no time of submittal on the Secretary's desk on this. It also appears to be a Free Conference Report travelling under the pretense of being a Conference Report."

At 8:18 p.m., the President declared the Senate to be at ease.

The Senate was called to order at 8:38 p.m. by President Cherberg.

#### MESSAGE FROM THE HOUSE

April 26, 1987

Mr. President:

The House has adopted the Report of the Free Conference Committee on SENATE BILL NO. 5172 and has passed the bill as amended by the Free Conference Committee. The Report of the Free Conference Committee is herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

## REPORT OF FREE CONFERENCE COMMITTEE

RE: SB 5172

Revising provisions relating to victims and witnesses of crimes.

April 25, 1987

Mr. President:

Mr. Speaker:

We of your Free Conference Committee, to whom the above measure was referred, have had the same under consideration and we recommend that the measure be amended as proposed under the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on Senate Bill No. 5172, read in on April 25, 1987.)

Signed by: Senators Talmadge, Halsan, Nelson; Representatives Locke, Scott, Padden.

## MOTION

On motion of Senator Talmadge, the Report of the Free Conference Committee on Senate Bill No. 5172 was adopted.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5172, as amended by the Free Conference Committee.

## MOTION

On motion of Senator Zimmerman, Senator von Reichbauer was excused.

## ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5172, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 43; absent, 1; excused, 5.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McDermott, McDonald, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Seilar, Smitherman, Stratton, Talmadge, Tanner, Vognild, Warnke, Williams, Wojahn, Zimmerman - 43.

Absent: Senator Lee - 1.

Excused: Senators Benitz, McCaslin, Metcalf, von Reichbauer, West - 5.

SENATE BILL NO. 5172, as amended by the Free Conference Committee, having received the 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 Senator Zimmerman, Senator Lee was excused.

## MESSAGE FROM THE HOUSE

April 26, 1987

Mr. President:

The House has adopted the Report of the Free Conference Committee on SECOND SUBSTITUTE SENATE BILL NO. 5453 and has passed the bill as amended by the Free Conference Committee. The Report of the Free Conference Committee is herewith transmitted.

ALAN THOMPSON, Chief Clerk

## REPORT OF FREE CONFERENCE COMMITTEE

RE: SSSB 5453

Modifying provisions relating to respite care projects.

April 25, 1987

Mr. President:

Mr. Speaker:

We of your Free Conference Committee, to whom the above measure was referred, have had the same under consideration and we recommend that the

measure be amended as proposed under the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on Second Substitute Senate Bill No. 5453, read in earlier today.)

Signed by: Senators Wojahn, Deccio, Tanner; Representatives Braddock, Brooks, Sprenkle.

#### MOTION

On motion of Senator Wojahn, the Report of the Free Conference Committee on Second Substitute Senate Bill No. 5453 was adopted.

The President declared the question before the Senate to be the roll call on final passage of Second Substitute Senate Bill No. 5453, as amended by the Free Conference Committee.

#### ROLL CALL

The Secretary called the roll on final passage of Second Substitute Senate Bill No. 5453, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 40; absent, 3; excused, 6.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, McDermott, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Tanner, Vogniuld, Warnke, Williams, Wojahn, Zimmerman - 40.

Absent: Senators Hayner, McDonald, Smitherman - 3.

Excused: Senators Benitz, Lee, McCaslin, Metcalf, von Reichbauer, West - 6.

SECOND SUBSTITUTE SENATE BILL NO. 5453, as amended by the Free Conference Committee, having received the 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 Senator Bender, Senators Moore and Warnke were excused.

#### MESSAGE FROM THE HOUSE

April 25, 1987

Mr. President:

The House has adopted the Report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 88 and has granted said committee the powers of Free Conference. The Report of the Free Conference Committee is herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

#### REPORT OF FREE CONFERENCE COMMITTEE

RE: ESHB 88

Revising provisions governing personal service contracts.

April 25, 1987

Mr. President:

Mr. Speaker:

We of your Free Conference Committee, to whom the above measure was referred, have had the same under consideration and we recommend that the measure be amended as proposed under the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on Engrossed Substitute House Bill No. 88, read in on April 25, 1987.)

Signed by: Senators Halsan, Zimmerman, Talmadge; Representatives Sommers, Peery, Hankins.

#### MOTION

On motion of Senator Halsan, the Report of the Free Conference Committee on Engrossed Substitute House Bill No. 88 was adopted.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 88, as amended by the Free Conference Committee.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 88, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 31; absent, 10; excused, 8.

Voting yea: Senators Anderson, Bailey, Barr, Bender, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hayner, Johnson, Kiskaddon, Kreidler, Nelson, Newhouse, Owen, Peterson, Pullen, Rasmussen, Rinehart, Saling, Smitherman, Stratton, Talmadge, Vognild, Williams, Wojahn - 31.

Absent: Senators Bauer, Bluechel, Bottiger, Hansen, McDermott, McDonald, Patterson, Sellar, Tanner, Zimmerman - 10.

Excused: Senators Benitz, Lee, McCaslin, Metcalf, Moore, von Reichbauer, Warnke, West - 8.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 88, as amended by the Free Conference Committee, having received the 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 Senate resumed consideration of Substitute Senate Bill No. 5854 and the pending motion by Senator Kreidler to adopt the Report of the Conference Committee, deferred earlier today.

#### RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Newhouse, the President finds that Joint Rule 6 states 'Except as provided in Rule 8, no Conference Committee shall consider or report on any matter except that directly at issue between the two houses.'

"The President finds that the effective date section as found in the Conference Report is changed from the versions as passed by the House and the Senate.

"The President, therefore, believes that the conferees should have requested the powers of Free Conference to consider that change.

"The Conference Committee Report is not properly before the Senate and the point of order is well taken."

The Report of the Conference Committee on Substitute Senate Bill No. 5854 was ruled out of order.

The Report of the Conference Committee on Substitute Senate Bill No. 5854 was referred to the Conference Committee.

#### MESSAGE FROM THE HOUSE

April 26, 1987

Mr. President:

The House has adopted the Report of the Conference Committee on ENGROSSED HOUSE BILL NO. 161 and has granted the powers of Free Conference. The Report of the Free Conference Committee is herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

#### REPORT OF FREE CONFERENCE COMMITTEE

RE: EHB 161

Requiring motorcycle helmets.

April 25, 1987

Mr. President:

Mr. Speaker:

We of your Free Conference Committee, to whom the above measure was referred, have had the same under consideration and we recommend that the measure be amended as proposed under the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on Engrossed House Bill No. 161, read in earlier today.)

Signed by: Senators Peterson, Wojahn; Representatives Fisher, Ferguson.

## MOTION

Senator Wojahn moved that the Report of the Free Conference Committee on Engrossed House Bill No. 161 be adopted.

## POINT OF INQUIRY

Senator Hayner: "Senator Wojahn, as I understand it then, up to eighteen, you would be required to wear a helmet, but not beyond that age?"

Senator Wojahn: "Not beyond that age and children under five could not ride a motorcycle."

Further debate ensued.

The President declared the question before the Senate to be the motion by Senator Wojahn to adopt the Report of the Free Conference Committee on Engrossed House Bill No. 161.

The motion by Senator Wojahn carried and the Senate adopted the Report of the Free Conference Committee on Engrossed House Bill No. 161.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 161, as amended by the Free Conference Committee.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 161, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 31; nays, 9; absent, 1; excused, 8.

Voting yea: Senators Anderson, Bailey, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McDonald, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Smitherman, Stratton, Talmadge, Tanner, Wojahn, Zimmerman - 31.

Voting nay: Senators Barr, Craswell, Garrett, Halsan, Nelson, Pullen, Sellar, Vognild, Williams - 9.

Absent: Senator McDermott - 1.

Excused: Senators Benitz, Lee, McCaslin, Metcalf, Moore, von Reichbauer, Warnke, West - 8.

ENGROSSED HOUSE BILL NO. 161, as amended by the Free Conference Committee, having received the 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 HOUSE

April 26, 1987

Mr. President:

The House has adopted the Report of the Free Conference Committee on ENGROSSED SENATE BILL NO. 5546 and has passed the bill as amended by the Free Conference Committee. The Report of the Free Conference Committee is herewith transmitted.

ALAN THOMPSON, Chief Clerk

## REPORT OF FREE CONFERENCE COMMITTEE

RE: ESB 5546

Revising provisions relating to assault.

April 25, 1987

Mr. President:

Mr. Speaker:

We of your Free Conference Committee, to whom the above measure was referred, have had the same under consideration and we recommend that the measure be amended as proposed under the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on Engrossed Senate Bill No. 5546, read in earlier today.)

Signed by: Senators Talmadge, Halsan; Representatives Locke, Armstrong, Padden.

## MOTION

On motion of Senator Talmadge, the Report of the Free Conference Committee on Engrossed Senate Bill No. 5546 was adopted.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 5546, as amended by the Free Conference Committee.

## MOTION

On motion of Senator Zimmerman, Senator Pullen was excused.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 5546, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 38; absent, 2; excused, 9.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McDonald, Nelson, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Seilar, Smitherman, Stratton, Talmadge, Tanner, Voguild, Williams, Wojahn, Zimmerman - 38.

Absent: Senators Conner, McDermott - 2.

Excused: Senators Benitz, Lee, McCaslin, Metcalf, Moore, Pullen, von Reichbauer, Warnke, West - 9.

ENGROSSED SENATE BILL NO. 5546, as amended by the Free Conference Committee, having received the 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 PRESIDENT

The President signed:

SENATE BILL NO. 5035,  
 SUBSTITUTE SENATE BILL NO. 5071,  
 SUBSTITUTE SENATE BILL NO. 5249,  
 SENATE BILL NO. 5380,  
 SUBSTITUTE SENATE BILL NO. 5439,  
 SUBSTITUTE SENATE BILL NO. 5479,  
 SENATE BILL NO. 5678,  
 SUBSTITUTE SENATE BILL NO. 5846,  
 SUBSTITUTE SENATE BILL NO. 5978,  
 SENATE BILL NO. 6012,  
 SENATE BILL NO. 6053.

## MOTION

On motion of Senator Zimmerman, Senators Kiskaddon and Patterson were excused.

## MESSAGE FROM THE HOUSE

April 26, 1987

Mr. President:

The House has receded from SECTION 5 of the striking amendment to ENGROSSED SUBSTITUTE SENATE BILL NO. 5081 and has passed the bill without the said section in the striking amendment, and the same are herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

Debate on Engrossed Substitute Senate Bill No. 5081, without Section 5 of the striking amendment, ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 5081, without Section 5 of the striking amendment.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 5081, without Section 5 of the striking amendment, and the bill passed the Senate by the following vote: Yeas, 26; nays, 3; absent, 9; excused, 11.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Deccio, DeJarnatt, Fleming, Gaspard, Halsan, Hansen, Johnson, Kreidler, McDonald, Owen, Peterson, Rasmussen, Saling, Sellar, Smitherman, Tanner, Vognild, Wojahn, Zimmerman - 26.

Voting nay: Senators Anderson, Craswell, Newhouse - 3.

Absent: Senators Conner, Garrett, Hayner, McDermott, Nelson, Rinehart, Stratton, Talmadge, Williams - 9.

Excused: Senators Benitz, Kiskaddon, Lee, McCaslin, Metcalf, Moore, Patterson, Pullen, von Reichbauer, Warnke, West - 11.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5081, without Section 5 of the striking amendment, having received the 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

At 9:32 p.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 11:43 p.m. by President Cherberg.

#### MESSAGE FROM THE HOUSE

April 26, 1987

Mr. President:

The House concurred in the Senate amendments to ENGROSSED HOUSE JOINT RESOLUTION NO. 4220, and passed the resolution as amended by the Senate.

SHARON L. CASE, Assistant Chief Clerk

#### MESSAGE FROM THE HOUSE

April 26, 1987

Mr. President:

MR. PRESIDENT:

The House has adopted the Report of the Free Conference Committee on ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 758 and has passed the bill as amended by the Free Conference Committee.

ALAN THOMPSON, Chief Clerk

#### MESSAGE FROM THE HOUSE

April 26, 1987

Mr. President:

The House concurred in the Senate amendments to HOUSE BILL NO. 277, and passed the bill as amended by the Senate.

SHARON L. CASE, Assistant Chief Clerk

#### MESSAGE FROM THE HOUSE

April 26, 1987

Mr. President:

The House has adopted the Report of the Free Conference Committee on SECOND SUBSTITUTE HOUSE BILL NO. 684, and has passed the bill as amended by the Free Conference Committee.

ALAN THOMPSON, Chief Clerk

#### MESSAGE FROM THE HOUSE

April 26, 1987

Mr. President:

The House has adopted the Report of the Free Conference Committee on ENGROSSED HOUSE BILL NO. 161, and has passed the bill as amended by the Free Conference Committee.

ALAN THOMPSON, Chief Clerk



## MESSAGE FROM THE HOUSE

April 26, 1987

Mr. President:

The House has adopted the Report of the Free Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 88 and has passed the bill as amended by the Free Conference Committee.

SHARON L. CASE, Assistant Chief Clerk

## MESSAGE FROM THE HOUSE

April 26, 1987

Mr. President:

The House concurred in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1197, and passed the bill as amended by the Senate.

SHARON L. CASE, Assistant Chief Clerk

## MESSAGE FROM THE HOUSE

April 26, 1987

Mr. President:

The House has adopted the Report of the Free Conference Committee on SUBSTITUTE HOUSE BILL NO. 542 and has passed the bill as amended by the Free Conference Committee.

ALAN THOMPSON, Chief Clerk

## MESSAGE FROM THE HOUSE

April 26, 1987

Mr. President:

The House has adopted the Report of the Free Conference Committee on ENGROSSED HOUSE BILL NO. 435 and has passed the bill as amended by the Free Conference Committee.

SHARON L. CASE, Assistant Chief Clerk

## MESSAGE FROM THE HOUSE

April 26, 1987

Mr. President:

The House has adopted the Report of the Free Conference Committee on SECOND SUBSTITUTE HOUSE BILL NO. 569 and has passed the bill as amended by the Free Conference Committee.

SHARON L. CASE, Assistant Chief Clerk

## MESSAGES FROM THE HOUSE

April 26, 1987

Mr. President:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 63,

SUBSTITUTE HOUSE BILL NO. 88,

HOUSE BILL NO. 161,

HOUSE BILL NO. 277,

HOUSE BILL NO. 435,

SUBSTITUTE HOUSE BILL NO. 542,

SECOND SUBSTITUTE HOUSE BILL NO. 569,

SECOND SUBSTITUTE HOUSE BILL NO. 684,

SUBSTITUTE HOUSE BILL NO. 738,

SECOND SUBSTITUTE HOUSE BILL NO. 758,

SUBSTITUTE HOUSE BILL NO. 1197,

HOUSE JOINT RESOLUTION NO. 4220, and the same are herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

April 25, 1987

Mr. President:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 5061,

SENATE BILL NO. 5110,

SENATE BILL NO. 5159,  
 SUBSTITUTE SENATE BILL NO. 5393,  
 SENATE BILL NO. 5549,  
 SENATE BILL NO. 5556,  
 SUBSTITUTE SENATE BILL NO. 5570,  
 SUBSTITUTE SENATE BILL NO. 5622,  
 SUBSTITUTE SENATE BILL NO. 5632,  
 SECOND SUBSTITUTE SENATE BILL NO. 5871,  
 SUBSTITUTE SENATE BILL NO. 5977,  
 SUBSTITUTE SENATE BILL NO. 6064, and the same are herewith transmitted.  
 ALAN THOMPSON, Chief Clerk

April 26, 1987

Mr. President:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 5001,  
 SUBSTITUTE SENATE BILL NO. 5024,  
 SUBSTITUTE SENATE BILL NO. 5058,  
 SENATE BILL NO. 5428,  
 SENATE BILL NO. 5550,  
 SECOND SUBSTITUTE SENATE BILL NO. 5555,  
 SUBSTITUTE SENATE BILL NO. 5814,  
 SUBSTITUTE SENATE BILL NO. 5825,  
 SUBSTITUTE SENATE BILL NO. 5838,  
 SUBSTITUTE SENATE BILL NO. 6033, and the same are herewith transmitted.  
 ALAN THOMPSON, Chief Clerk

MESSAGE FROM THE HOUSE

April 26, 1987

Mr. President:

The House has receded from its amendments to ENGROSSED SENATE BILL NO. 5996 and has passed the bill without the House amendments, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 63,  
 SUBSTITUTE HOUSE BILL NO. 88,  
 HOUSE BILL NO. 161,  
 HOUSE BILL NO. 277,  
 HOUSE BILL NO. 435,  
 SUBSTITUTE HOUSE BILL NO. 542,  
 SECOND SUBSTITUTE HOUSE BILL NO. 569,  
 SECOND SUBSTITUTE HOUSE BILL NO. 684,  
 SUBSTITUTE HOUSE BILL NO. 738,  
 SECOND SUBSTITUTE HOUSE BILL NO. 758,  
 SUBSTITUTE HOUSE BILL NO. 1197,  
 HOUSE JOINT RESOLUTION NO. 4220.

MESSAGE FROM THE HOUSE

April 26, 1987

Mr. President:

The Speaker has signed:

SENATE BILL NO. 5035,  
 SUBSTITUTE SENATE BILL NO. 5071,  
 SUBSTITUTE SENATE BILL NO. 5249,  
 SENATE BILL NO. 5380,  
 SUBSTITUTE SENATE BILL NO. 5439,  
 SUBSTITUTE SENATE BILL NO. 5479,  
 SENATE BILL NO. 5678,  
 SUBSTITUTE SENATE BILL NO. 5846.

SUBSTITUTE SENATE BILL NO. 5978.

SENATE BILL NO. 6012.

SENATE BILL NO. 6053, and the same are herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

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

#### INTRODUCTION AND FIRST READING

SCR 8414 by Senators Bottiger, Fleming, Hayner and Sellar

Providing for transmittal of bills, resolutions, and memorials upon adjournment of the Legislature.

#### MOTIONS

On motion of Senator Vognild, the rules were suspended, Senate Concurrent Resolution No. 8414 was advanced to second reading and read the second time.

On motion of Senator Vognild, the rules were suspended, Senate Concurrent Resolution No. 8414 was advanced to third reading, the second reading considered the third and the resolution was adopted.

#### INTRODUCTION AND FIRST READING

SCR 8415 by Senators Bottiger, Fleming, Hayner and Sellar

Adjournment Sine Die of the 1987 Regular Session of the 50th Legislature.

#### MOTIONS

On motion of Senator Vognild, the rules were suspended, Senate Concurrent Resolution No. 8415 was advanced to second reading and read the second time.

On motion of Senator Vognild, the rules were suspended, Senate Concurrent Resolution No. 8415 was advanced to third reading, the second reading considered the third and the resolution was adopted.

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

#### MESSAGES FROM THE HOUSE

April 26, 1987

Mr. President:

The Speaker has signed:

HOUSE BILL NO. 10.

SUBSTITUTE HOUSE BILL NO. 83.

SUBSTITUTE HOUSE BILL NO. 116.

HOUSE BILL NO. 135.

SUBSTITUTE HOUSE BILL NO. 170.

HOUSE BILL NO. 279.

SUBSTITUTE HOUSE BILL NO. 353.

SUBSTITUTE HOUSE BILL NO. 364.

HOUSE BILL NO. 432.

SECOND SUBSTITUTE HOUSE BILL NO. 448.

SUBSTITUTE HOUSE BILL NO. 454.

SECOND SUBSTITUTE HOUSE BILL NO. 456.

HOUSE BILL NO. 713.

SUBSTITUTE HOUSE BILL NO. 734.

SUBSTITUTE HOUSE BILL NO. 743.

SUBSTITUTE HOUSE BILL NO. 782.

SUBSTITUTE HOUSE BILL NO. 902.

SUBSTITUTE HOUSE BILL NO. 927.

SUBSTITUTE HOUSE BILL NO. 931.

SUBSTITUTE HOUSE BILL NO. 984.

HOUSE BILL NO. 1049, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 26, 1987

Mr. President:

The Speaker has signed SENATE BILL NO. 5564, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 5081.

SENATE BILL NO. 5120.

SUBSTITUTE SENATE BILL NO. 5163.  
 SENATE BILL NO. 5172.  
 SECOND SUBSTITUTE SENATE BILL NO. 5453.  
 SENATE BILL NO. 5463.  
 SENATE BILL NO. 5546.  
 SENATE BILL NO. 5996.

## MOTION

Under the provisions of Senate Concurrent Resolution No. 8414, on motion of Senator Vognild, the following bills were returned to the House of Representatives:

SUBSTITUTE HOUSE BILL NO. 7.  
 SUBSTITUTE HOUSE BILL NO. 12.  
 SUBSTITUTE HOUSE BILL NO. 13.  
 SUBSTITUTE HOUSE BILL NO. 15.  
 SUBSTITUTE HOUSE BILL NO. 20.  
 SUBSTITUTE HOUSE BILL NO. 22.  
 SUBSTITUTE HOUSE BILL NO. 23.  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 46.  
 SUBSTITUTE HOUSE BILL NO. 53.  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 76.  
 SUBSTITUTE HOUSE BILL NO. 97.  
 HOUSE BILL NO. 112.  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 115.  
 SUBSTITUTE HOUSE BILL NO. 117.  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 118.  
 ENGROSSED HOUSE BILL NO. 125.  
 SUBSTITUTE HOUSE BILL NO. 140.  
 ENGROSSED HOUSE BILL NO. 141.  
 SUBSTITUTE HOUSE BILL NO. 143.  
 HOUSE BILL NO. 151.  
 SUBSTITUTE HOUSE BILL NO. 152.  
 ENGROSSED HOUSE BILL NO. 157.  
 HOUSE BILL NO. 173.  
 SUBSTITUTE HOUSE BILL NO. 177.  
 SUBSTITUTE HOUSE BILL NO. 208.  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 210.  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 223.  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 240.  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 243.  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 249.  
 ENGROSSED HOUSE BILL NO. 254.  
 SUBSTITUTE HOUSE BILL NO. 264.  
 HOUSE BILL NO. 280.  
 SUBSTITUTE HOUSE BILL NO. 281.  
 HOUSE BILL NO. 292.  
 HOUSE BILL NO. 294.  
 ENGROSSED HOUSE BILL NO. 308.  
 HOUSE BILL NO. 314.  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 327.  
 SUBSTITUTE HOUSE BILL NO. 332.  
 SUBSTITUTE HOUSE BILL NO. 366.  
 SUBSTITUTE HOUSE BILL NO. 400.  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 402.  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 404.  
 SUBSTITUTE HOUSE BILL NO. 414.  
 ENGROSSED HOUSE BILL NO. 421.  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 427.  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 434.  
 SUBSTITUTE HOUSE BILL NO. 439.  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 447.  
 SUBSTITUTE HOUSE BILL NO. 449.  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 455.  
 HOUSE BILL NO. 464.  
 SUBSTITUTE HOUSE BILL NO. 472.  
 SUBSTITUTE HOUSE BILL NO. 473.  
 HOUSE BILL NO. 474.  
 ENGROSSED HOUSE BILL NO. 485.  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 509.  
 SUBSTITUTE HOUSE BILL NO. 511.  
 HOUSE BILL NO. 516.

SUBSTITUTE HOUSE BILL NO. 524.  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 527.  
SUBSTITUTE HOUSE BILL NO. 537.  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 543.  
SUBSTITUTE HOUSE BILL NO. 550.  
SUBSTITUTE HOUSE BILL NO. 554.  
HOUSE BILL NO. 555.  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 565.  
SUBSTITUTE HOUSE BILL NO. 567.  
HOUSE BILL NO. 577.  
SUBSTITUTE HOUSE BILL NO. 608.  
SUBSTITUTE HOUSE BILL NO. 609.  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 621.  
SUBSTITUTE HOUSE BILL NO. 622.  
SUBSTITUTE HOUSE BILL NO. 624.  
SUBSTITUTE HOUSE BILL NO. 632.  
SUBSTITUTE HOUSE BILL NO. 634.  
SUBSTITUTE HOUSE BILL NO. 638.  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 645.  
SUBSTITUTE HOUSE BILL NO. 651.  
SUBSTITUTE HOUSE BILL NO. 653.  
SUBSTITUTE HOUSE BILL NO. 657.  
HOUSE BILL NO. 662.  
ENGROSSED HOUSE BILL NO. 668.  
SUBSTITUTE HOUSE BILL NO. 692.  
SECOND SUBSTITUTE HOUSE BILL NO. 728.  
HOUSE BILL NO. 744.  
ENGROSSED HOUSE BILL NO. 752.  
SECOND SUBSTITUTE HOUSE BILL NO. 756.  
SUBSTITUTE HOUSE BILL NO. 777.  
SUBSTITUTE HOUSE BILL NO. 804.  
ENGROSSED HOUSE BILL NO. 814.  
SUBSTITUTE HOUSE BILL NO. 829.  
SUBSTITUTE HOUSE BILL NO. 832.  
SUBSTITUTE HOUSE BILL NO. 834.  
HOUSE BILL NO. 854.  
SUBSTITUTE HOUSE BILL NO. 859.  
SUBSTITUTE HOUSE BILL NO. 868.  
SUBSTITUTE HOUSE BILL NO. 873.  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 877.  
ENGROSSED HOUSE BILL NO. 878.  
HOUSE BILL NO. 883.  
HOUSE BILL NO. 916.  
HOUSE BILL NO. 917.  
SUBSTITUTE HOUSE BILL NO. 929.  
SUBSTITUTE HOUSE BILL NO. 932.  
SUBSTITUTE HOUSE BILL NO. 935.  
SUBSTITUTE HOUSE BILL NO. 980.  
SUBSTITUTE HOUSE BILL NO. 1015.  
HOUSE BILL NO. 1031.  
REENGROSSED SUBSTITUTE HOUSE BILL NO. 1037.  
SUBSTITUTE HOUSE BILL NO. 1043.  
SUBSTITUTE HOUSE BILL NO. 1053.  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1066.  
SUBSTITUTE HOUSE BILL NO. 1070.  
HOUSE BILL NO. 1092.  
ENGROSSED HOUSE BILL NO. 1093.  
HOUSE BILL NO. 1099.  
HOUSE BILL NO. 1109.  
SUBSTITUTE HOUSE BILL NO. 1117.  
HOUSE BILL NO. 1126.  
SUBSTITUTE HOUSE BILL NO. 1129.  
HOUSE BILL NO. 1153.  
HOUSE BILL NO. 1162.  
SUBSTITUTE HOUSE BILL NO. 1175.  
SUBSTITUTE HOUSE BILL NO. 1189.  
SUBSTITUTE HOUSE BILL NO. 1225.  
HOUSE JOINT MEMORIAL NO. 4005.  
SUBSTITUTE HOUSE JOINT RESOLUTION NO. 4204.  
SUBSTITUTE HOUSE JOINT RESOLUTION NO. 4210.

HOUSE CONCURRENT RESOLUTION NO. 4402,  
 SUBSTITUTE HOUSE CONCURRENT RESOLUTION NO. 4403,  
 HOUSE CONCURRENT RESOLUTION NO. 4409,  
 HOUSE CONCURRENT RESOLUTION NO. 4411.

## MESSAGE FROM THE HOUSE

April 26, 1987

Mr. President:

The House has adopted SENATE CONCURRENT RESOLUTION NO. 8414, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MESSAGE FROM THE HOUSE

April 26, 1987

Mr. President:

Under the provisions of Senate Concurrent Resolution No. 8414, the House herewith returns the following bills:

SENATE BILL NO. 5012,  
 SENATE BILL NO. 5016,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5020,  
 REENGROSSED SUBSTITUTE SENATE BILL NO. 5025,  
 SUBSTITUTE SENATE BILL NO. 5031,  
 SENATE BILL NO. 5033,  
 SENATE BILL NO. 5036,  
 ENGROSSED SENATE BILL NO. 5040,  
 SENATE BILL NO. 5050,  
 SENATE BILL NO. 5054,  
 SUBSTITUTE SENATE BILL NO. 5055,  
 SUBSTITUTE SENATE BILL NO. 5064,  
 SUBSTITUTE SENATE BILL NO. 5065,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5070,  
 SENATE BILL NO. 5072,  
 SUBSTITUTE SENATE BILL NO. 5075,  
 SENATE BILL NO. 5076,  
 SUBSTITUTE SENATE BILL NO. 5083,  
 SENATE BILL NO. 5084,  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5086,  
 SUBSTITUTE SENATE BILL NO. 5090,  
 SENATE BILL NO. 5103,  
 SUBSTITUTE SENATE BILL NO. 5115,  
 SENATE BILL NO. 5116,  
 SENATE BILL NO. 5117,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5122,  
 SUBSTITUTE SENATE BILL NO. 5132,  
 ENGROSSED SENATE BILL NO. 5152,  
 SUBSTITUTE SENATE BILL NO. 5156,  
 SUBSTITUTE SENATE BILL NO. 5157,  
 SUBSTITUTE SENATE BILL NO. 5158,  
 SUBSTITUTE SENATE BILL NO. 5165,  
 SUBSTITUTE SENATE BILL NO. 5168,  
 SENATE BILL NO. 5169,  
 SENATE BILL NO. 5171,  
 SUBSTITUTE SENATE BILL NO. 5176,  
 SENATE BILL NO. 5183,  
 ENGROSSED SENATE BILL NO. 5203,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5210,  
 SUBSTITUTE SENATE BILL NO. 5213,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5222,  
 SUBSTITUTE SENATE BILL NO. 5233,  
 SENATE BILL NO. 5238,  
 SENATE BILL NO. 5239,  
 SENATE BILL NO. 5241,  
 SENATE BILL NO. 5244,  
 SENATE BILL NO. 5246,  
 ENGROSSED SENATE BILL NO. 5251,  
 SENATE BILL NO. 5263,  
 SUBSTITUTE SENATE BILL NO. 5264,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5266,  
 SENATE BILL NO. 5267,  
 SENATE BILL NO. 5271.

SUBSTITUTE SENATE BILL NO. 5278,  
SUBSTITUTE SENATE BILL NO. 5280,  
SENATE BILL NO. 5282,  
SUBSTITUTE SENATE BILL NO. 5292,  
SUBSTITUTE SENATE BILL NO. 5293,  
ENGROSSED SENATE BILL NO. 5294,  
ENGROSSED SENATE BILL NO. 5307,  
SUBSTITUTE SENATE BILL NO. 5311,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5313,  
SENATE BILL NO. 5319,  
SENATE BILL NO. 5320,  
ENGROSSED SENATE BILL NO. 5321,  
SENATE BILL NO. 5325,  
SUBSTITUTE SENATE BILL NO. 5333,  
SUBSTITUTE SENATE BILL NO. 5334,  
SENATE BILL NO. 5343,  
SUBSTITUTE SENATE BILL NO. 5345,  
SENATE BILL NO. 5355,  
SENATE BILL NO. 5359,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5364,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5365,  
SUBSTITUTE SENATE BILL NO. 5372,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5376,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5378,  
SENATE BILL NO. 5379,  
SENATE BILL NO. 5382,  
SECOND SUBSTITUTE SENATE BILL NO. 5383,  
SUBSTITUTE SENATE BILL NO. 5387,  
SUBSTITUTE SENATE BILL NO. 5391,  
SENATE BILL NO. 5395,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5398,  
SUBSTITUTE SENATE BILL NO. 5404,  
SENATE BILL NO. 5411,  
ENGROSSED SENATE BILL NO. 5422,  
SENATE BILL NO. 5429,  
SUBSTITUTE SENATE BILL NO. 5436,  
SENATE BILL NO. 5437,  
SUBSTITUTE SENATE BILL NO. 5443,  
SENATE BILL NO. 5450,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5452,  
SUBSTITUTE SENATE BILL NO. 5460,  
SENATE BILL NO. 5467,  
ENGROSSED SENATE BILL NO. 5474,  
ENGROSSED SENATE BILL NO. 5475,  
ENGROSSED SENATE BILL NO. 5478,  
ENGROSSED SENATE BILL NO. 5480,  
SUBSTITUTE SENATE BILL NO. 5492,  
SENATE BILL NO. 5500,  
SUBSTITUTE SENATE BILL NO. 5504,  
SUBSTITUTE SENATE BILL NO. 5506,  
SENATE BILL NO. 5521,  
ENGROSSED SENATE BILL NO. 5531,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5538,  
SUBSTITUTE SENATE BILL NO. 5544,  
SUBSTITUTE SENATE BILL NO. 5552,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5553,  
ENGROSSED SENATE BILL NO. 5558,  
SUBSTITUTE SENATE BILL NO. 5572,  
SENATE BILL NO. 5579,  
ENGROSSED SENATE BILL NO. 5592,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5596,  
SUBSTITUTE SENATE BILL NO. 5599,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5625,  
SUBSTITUTE SENATE BILL NO. 5626,  
SENATE BILL NO. 5627,  
SENATE BILL NO. 5631,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5634,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5639,  
SUBSTITUTE SENATE BILL NO. 5641,  
SECOND SUBSTITUTE SENATE BILL NO. 5654.

SENATE BILL NO. 5662.  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5665.  
 SUBSTITUTE SENATE BILL NO. 5667.  
 SUBSTITUTE SENATE BILL NO. 5682.  
 SUBSTITUTE SENATE BILL NO. 5692.  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5704.  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5720.  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5723.  
 SENATE BILL NO. 5731.  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5744.  
 ENGROSSED SENATE BILL NO. 5757.  
 SUBSTITUTE SENATE BILL NO. 5770.  
 SENATE BILL NO. 5783.  
 SUBSTITUTE SENATE BILL NO. 5787.  
 SENATE BILL NO. 5788.  
 SENATE BILL NO. 5831.  
 SENATE BILL NO. 5832.  
 SENATE BILL NO. 5834.  
 SUBSTITUTE SENATE BILL NO. 5835.  
 SUBSTITUTE SENATE BILL NO. 5868.  
 SENATE BILL NO. 5869.  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5885.  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5886.  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5887.  
 SENATE BILL NO. 5937.  
 ENGROSSED SENATE BILL NO. 5938.  
 SENATE BILL NO. 5939.  
 SUBSTITUTE SENATE BILL NO. 5941.  
 ENGROSSED SENATE BILL NO. 5943.  
 ENGROSSED SENATE BILL NO. 5953.  
 SENATE BILL NO. 5958.  
 SUBSTITUTE SENATE BILL NO. 5973.  
 SUBSTITUTE SENATE BILL NO. 6001.  
 SUBSTITUTE SENATE BILL NO. 6002.  
 SUBSTITUTE SENATE BILL NO. 6008.  
 SUBSTITUTE SENATE BILL NO. 6020.  
 SUBSTITUTE SENATE BILL NO. 6036.  
 SENATE BILL NO. 6040.  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6055.  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6058.  
 SUBSTITUTE SENATE JOINT MEMORIAL NO. 8002.  
 SENATE JOINT MEMORIAL NO. 8003.  
 SENATE JOINT MEMORIAL NO. 8007.  
 SENATE JOINT MEMORIAL NO. 8009.  
 SENATE JOINT MEMORIAL NO. 8011.  
 SUBSTITUTE SENATE JOINT MEMORIAL NO. 8012.  
 SUBSTITUTE SENATE JOINT MEMORIAL NO. 8013.  
 SENATE JOINT MEMORIAL NO. 8015.  
 SENATE CONCURRENT RESOLUTION NO. 8410.  
 ENGROSSED SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8412.  
 ENGROSSED SENATE CONCURRENT RESOLUTION NO. 8413, and the same are herewith

transmitted.

ALAN THOMPSON, Chief Clerk

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

#### MOTION

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

#### SENATE RESOLUTION 1987-8675

by Senators Bottiger, Fleming, Hayner and Sellar

WHEREAS, The Regular Session of the Fiftieth Legislature is drawing to a close; and

WHEREAS, It is necessary to provide for the completion of the work of the Senate after its adjournment and during the interim period between the close of the Regular Session of the Fiftieth Legislature and the convening of the next session;

NOW, THEREFORE, BE IT RESOLVED, That the Senate Facilities and Operations Committee shall have full authority and direction over the authorization and execution of any personal services contracts or subcontracts that necessitate the expenditure of Senate appropriations; and



BE IT FURTHER RESOLVED, That the Senate Facilities and Operations Committee may, as they deem appropriate, authorize out of state travel for which members and staff may receive therefor their actual necessary expenses, and such per diem as may be authorized by law, to be paid upon receipt of their vouchers out of funds appropriated for legislative expenses; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate and the Senate Facilities and Operations Committee be, and they hereby are, authorized to retain such employees as they may deem necessary and that said employees be allowed such rate of pay therefor as the Secretary of the Senate and the Senate Facilities and Operations Committee shall deem proper; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate be, and he hereby is, authorized and directed to make out and execute with the President, or the President Pro Tempore, the necessary vouchers upon which warrants for legislative expenses and expenditures shall be drawn from funds provided therefor; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate be, and hereby is, authorized and directed to have a copy of the Senate Journals of the Regular Session of the Fiftieth Legislature, together with a suitable index therefor prescribed by the State Printer; and

BE IT FURTHER RESOLVED, That the President Pro Tempore of the Senate, the Vice President Pro Tempore of the Senate, the Senate Majority Leader, the Senate Minority Leader, the Senate Minority Floor Leader, the Assistant Majority Leader, the Assistant Senate Minority Floor Leader, the Majority and Minority Whips, the Minority Assistant Whip, the Majority and Minority Caucus Chairmen and Caucus Vice Chairmen, the Chairman of the Senate Facilities and Operations Committee, the Secretary of the Senate and the Assistant Secretary of the Senate, are each authorized to attend the annual meetings of the National Conference of State Legislatures and the Council of State Governments, and to receive therefor their actual necessary expenses, and such per diem as may be authorized by law, to be paid upon receipt of their vouchers out of funds appropriated for legislative expenses; and

BE IT FURTHER RESOLVED, That the Rules Committee is authorized to assign subject matters to standing committees for study during the interims, and the Majority Leader is authorized to create special committees as may be necessary to carry out the functions of the Senate in an orderly manner and appoint members thereto with the approval of the Facilities and Operations Committee; and

BE IT FURTHER RESOLVED, That all keys distributed by the Secretary of the Senate's Office be returned to the Secretary of the Senate; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate is authorized to express the sympathy of the Senate by sending flowers in the event of a bereavement in a Senator's family; and

BE IT FURTHER RESOLVED, That such use of the Senate facilities is permitted upon such terms as the Secretary of the Senate shall deem proper.

#### MOTION

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

#### SENATE RESOLUTION 1987-8676

by Senators Bottiger, Fleming, Hayner and Sellar

BE IT RESOLVED, By the Senate, That a committee consisting of three members of the Senate be appointed to notify the House that the Legislature is about to adjourn SINE DIE.

#### APPOINTMENT OF SPECIAL COMMITTEE TO NOTIFY HOUSE OF ADJOURNMENT SINE DIE

Under the provision of Senate Resolution 1987-8676, the President appointed Senators Smitherman, Saling and Hansen to notify the House that the Senate is ready to SINE DIE.

#### MOTION

On motion of Senator Vognild, the committee appointments were confirmed.

#### COMMITTEE FROM THE HOUSE NOTIFYING THE SENATE OF ADJOURNMENT SINE DIE

The Sergeant at Arms announced the arrival of the committee from the House consisting of Representatives Barnes, Belcher, Hankins and Zellinsky. The committee appeared before the bar of the Senate to notify the Senate that the House is about to adjourn SINE DIE.

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

#### MESSAGE FROM THE HOUSE

April 26, 1987

Mr. President:  
The Speaker has signed:  
SUBSTITUTE SENATE BILL NO. 5081,  
SENATE BILL NO. 5120,  
SUBSTITUTE SENATE BILL NO. 5163.

SENATE BILL NO. 5172.  
 SECOND SUBSTITUTE SENATE BILL NO. 5453.  
 SENATE BILL NO. 5463.  
 SENATE BILL NO. 5546.  
 SENATE BILL NO. 5996, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MESSAGE FROM THE HOUSE

April 26, 1987

Mr. President:

The House has adopted HOUSE CONCURRENT RESOLUTION NO. 4419, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

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

INTRODUCTION AND FIRST READING OF HOUSE BILL

HCR 4419 by Representatives McMullen and Ballard

Notifying the Governor that the Legislature is about to adjourn SINE DIE.

MOTIONS

On motion of Senator Bottiger, the rules were suspended, House Concurrent Resolution No. 4419 was advanced to second reading and read the second time.

On motion of Senator Bottiger, the rules were suspended, House Concurrent Resolution No. 4419 was advanced to third reading, the second reading considered the third and the resolution was adopted.

APPOINTMENT OF SPECIAL COMMITTEE TO NOTIFY  
 THE GOVERNOR OF ADJOURNMENT SINE DIE

Under provisions of House Concurrent Resolution No. 4419, the President appointed Senators Vognild, Zimmerman and Owen from the Senate to join a like committee from the House to notify the Governor that the Legislature is about to adjourn SINE DIE.

MOTION

On motion of Senator Bottiger, the committee appointments were confirmed.

MESSAGE FROM THE HOUSE

April 26, 1987

Mr. President:

The House has adopted SENATE CONCURRENT RESOLUTION NO. 8415, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

REPORT OF SPECIAL COMMITTEE APPOINTED NOTIFYING  
 HOUSE OF ADJOURNMENT SINE DIE

The Sergeant at Arms announced the return of the special committee, composed of Senators Smitherman, Saling and Hansen who were appointed under the provisions of Senate Resolution 1987-8676. The committee reported they had notified the House that the Senate is ready to adjourn SINE DIE.

The report was received and the committee was discharged.

SIGNED BY THE PRESIDENT

The President signed:

SENATE CONCURRENT RESOLUTION NO. 8414.

SIGNED BY THE PRESIDENT

The President signed:

SENATE CONCURRENT RESOLUTION NO. 8415.

SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 10,  
 SUBSTITUTE HOUSE BILL NO. 83,  
 SUBSTITUTE HOUSE BILL NO. 116,  
 HOUSE BILL NO. 135,  
 SUBSTITUTE HOUSE BILL NO. 170,  
 HOUSE BILL NO. 279,  
 SUBSTITUTE HOUSE BILL NO. 353,  
 SUBSTITUTE HOUSE BILL NO. 364,  
 HOUSE BILL NO. 432.

SECOND SUBSTITUTE HOUSE BILL NO. 448.  
 SUBSTITUTE HOUSE BILL NO. 454.  
 SECOND SUBSTITUTE HOUSE BILL NO. 456.  
 HOUSE BILL NO. 713.  
 SUBSTITUTE HOUSE BILL NO. 734.  
 SUBSTITUTE HOUSE BILL NO. 743.  
 SUBSTITUTE HOUSE BILL NO. 782.  
 SUBSTITUTE HOUSE BILL NO. 902.  
 SUBSTITUTE HOUSE BILL NO. 927.  
 SUBSTITUTE HOUSE BILL NO. 931.  
 SUBSTITUTE HOUSE BILL NO. 984.  
 HOUSE BILL NO. 1049.

## MESSAGE FROM THE HOUSE

April 26, 1987

Mr. President:  
 The Speaker has signed SENATE CONCURRENT RESOLUTION NO. 8414, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MESSAGE FROM THE HOUSE

April 26, 1987

Mr. President:  
 The Speaker has signed SENATE CONCURRENT RESOLUTION NO. 8415 and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MESSAGE FROM THE HOUSE

April 26, 1987

Mr. President:  
 The Speaker has signed HOUSE CONCURRENT RESOLUTION NO. 4419 and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

REPORT OF SPECIAL COMMITTEE APPOINTED TO NOTIFY  
THE GOVERNOR OF ADJOURNMENT SINE DIE

The Sergeant at Arms announced the return of the special committee composed of Senators Vognild, Zimmerman and Owen who were appointed under the provisions of House Concurrent Resolution No. 4419. The committee reported they joined with a like committee from the House and notified the Governor that the Legislature is about to adjourn SINE DIE.

The report was received and the committee was discharged.

SIGNED BY THE PRESIDENT

The President signed:  
 HOUSE CONCURRENT RESOLUTION No. 4419.

## MOTION

On motion of Senator Vognild, the Senate Journal of the one hundred-fifth day of the 1987 Regular Session of the Fiftieth Legislature was approved.

## MOTION

At 12:23 a.m., on motion of Senator Bottiger, the 1987 Regular Session of the Fiftieth Legislature adjourned SINE DIE.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.



# SENATE JOURNAL

—1987—

FIRST SPECIAL SESSION

FIFTIETH LEGISLATURE

## STATE OF WASHINGTON

AT

## OLYMPIA, the State Capitol

Convened April 27, 1987  
Adjourned Sine Die May 21, 1987

Compiled, Edited and Indexed by  
SID SNYDER, *Secretary of the Senate*



MARY WILEY  
*Minute and Journal Clerk*

---

JOHN A. CHERBERG, *President of the Senate*  
A. L. "SLIM" RASMUSSEN, *President Pro Tempore*  
ALBERT BAUER, *Vice President Pro Tempore*

## SENATE CAUCUS OFFICERS

### DEMOCRATIC CAUCUS

*Majority Leader* ..... R. TED BOTTIGER  
*Chairman* ..... GEORGE FLEMING  
*Assistant Majority Leader* ..... LARRY L. VOGNILD  
*Vice Chairman* ..... R. LORRAINE WOJAHN  
*Majority Whip* ..... RICK S. BENDER

### REPUBLICAN CAUCUS

*Minority Leader* ..... JEANNETTE HAYNER  
*Chairman* ..... GEORGE L. SELLAR  
*Republican Floor Leader* ..... IRV NEWHOUSE  
*Republican Whip* ..... HAL ZIMMERMAN  
*Vice Chairman* ..... STANLEY C. JOHNSON  
*Asst. Republican Floor*  
*Leader* ..... GERALD L. (JERRY) SALING  
*Assistant Whip* ..... JACK METCALF

---

---

*Secretary of the Senate* ..... SID SNYDER  
*Assistant Secretary* ..... BILL GLEASON  
*Sergeant at Arms* ..... O. F. "OLE" SCARPELLI  
*Secretary to the Secretary* ..... NYLA WOOD  
*Reader* ..... DAVE DeFORREST  
*Minute and Journal Clerk* ..... MARY WILEY

**JOURNAL OF THE SENATE  
STATE OF WASHINGTON  
1987 FIRST SPECIAL SESSION  
FIFTIETH LEGISLATURE**

**FIRST DAY**

---

**MORNING SESSION**

---

Senate Chamber, Olympia, Monday, April 27, 1987

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Benitz, McCaslin, Metcalf, Pullen and West.

The Sergeant at Arms Color Guard, consisting of Pages Ryan Buskirk and Scott Eschels, presented the Colors. The Reverend Ron Marrs, associate pastor of the Westwood Baptist Church of Olympia, offered the prayer.

**MESSAGE FROM GOVERNOR  
PROCLAMATION BY THE GOVERNOR**

WHEREAS, in accordance with Article II, Section 12 (Amendment 68), the 1987 Regular Session adjourned April 26, 1987, the 105th day of the session without finishing its essential tasks; and

WHEREAS, it is therefore necessary for me to convene a Special Session for the purposes of addressing state budgets and revenue and related items, hazardous waste, Health Care Access Act of 1987, matters relating to the Washington State Convention and Trade Center, and K-12 education financing;

NOW, THEREFORE, I, Booth Gardner, Governor of the State of Washington, by virtue of the authority vested in me by Article II, Section 12 (Amendment 68), and Article III, Section 7 of the State Constitution, do hereby convene the Legislature of the state of Washington on Monday, April 27, 1987, at 10:00 a.m. in Special Session in the Capitol at Olympia for the purposes stated herein.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington, to be affixed at Olympia this 26th day of April, Nineteen Hundred and Eighty-seven.

BOOTH GARDNER, Governor

(Seal)

By the Governor:

RALPH MUNRO, Secretary of State

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

**MOTION**

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

**SENATE RESOLUTION 1987-8677**

by Senators Bottiger, Fleming, Hayner and Sellar

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

## APPOINTMENT OF SPECIAL COMMITTEE

The President appointed Senators Garrett, Anderson and Warnke as a committee of three, under the provisions of Senate Resolution 1987-8677, to notify the House of Representatives that the Senate is now organized and ready to transact business.

## MOTION

On motion of Senator Vognild, the committee appointments were confirmed.

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

## INTRODUCTION AND FIRST READING

## SENATE CONCURRENT RESOLUTION NO. 8416

by Senators Bottiger, Fleming, Hayner and Sellar

WHEREAS, Bills, joint resolutions, joint memorials, and concurrent resolutions introduced at the 1987 regular session of the Fiftieth Legislature may require that they be considered at the 1987 first special session of the Fiftieth Legislature; and

WHEREAS, The public interest requires that the business of the 1987 first special session of the Fiftieth Legislature be considered and acted upon as efficiently and expeditiously as possible;

NOW, THEREFORE, BE IT RESOLVED, By the Senate, the House of Representatives concurring, That all bills, joint resolutions, joint memorials, and concurrent resolutions introduced in the 1987 regular session of the Fiftieth Legislature are hereby reintroduced in the house wherein they originated and shall retain the same number and are hereby accorded the highest legislative status as they attained in the original house as shown by the official Senate and House dockets upon the adjournment SINE DIE of the regular session; and

BE IT FURTHER RESOLVED, That the purpose of this special session shall be exclusively for the consideration of budgets and matters necessary to implement budgets, and matters pertaining to the interim and to the closing of the business of the first special session of the Fiftieth Legislature, and that no other matters shall be considered by the Legislature except as authorized by concurrent resolution adopted by two-thirds of the members elected or appointed to each house.

## MOTIONS

On motion of Senator Vognild, the rules were suspended, Senate Concurrent Resolution No. 8416 was advanced to second reading and read the second time.

On motion of Senator Vognild, the rules were suspended, Senate Concurrent Resolution No. 8416 was advanced to third reading, the second reading considered the third and the resolution was adopted.

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

## MESSAGE FROM THE GOVERNOR

April 26, 1987

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on April 26, 1987, Governor Gardner approved the following Senate Bills entitled:

Senate Bill No. 5008

Relating to county property tax payments.

Senate Bill No. 5265

Relating to the purchase of beer by retail beer licensees.

Sincerely,

TERRY SEBRING, Legal Counsel to the Governor

## REPORT OF SPECIAL COMMITTEE

The special committee consisting of Senators Garrett, Anderson and Warnke appeared before the bar of the Senate. Under the provisions of Senate Resolution



1987-8677, the House of Representatives was notified that the Senate is organized and ready to transact business.

The report was received and the committee was discharged.

#### COMMITTEE FROM THE HOUSE

A committee from the House of Representatives consisting of Representatives Rasmussen, Nealey, May and Jesernig appeared before the bar of the Senate to notify the Senate that the House of Representatives is organized and ready to transact business.

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

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

#### MESSAGE FROM THE HOUSE

April 27, 1987

Mr. President:

The House has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4420, and the same is herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

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

#### INTRODUCTION AND FIRST READING OF HOUSE BILL

HCR 4420 by Representatives McMullen and Ballard

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

#### MOTIONS

On motion of Senator Vognild, the rules were suspended, House Concurrent Resolution No. 4420 was advanced to second reading and read the second time.

On motion of Senator Vognild, the rules were suspended, House Concurrent Resolution No. 4420 was advanced to third reading, the second reading considered the third and the resolution was adopted.

#### APPOINTMENT OF SPECIAL COMMITTEE

The President appointed Senators Vognild, von Reichbauer and Bottiger as a committee of three to join with a like committee from the House of Representatives, under the provisions of House Concurrent Resolution No. 4420, to notify the Governor that the Legislature is organized and ready to transact business.

#### MOTION

On motion of Senator Vognild, the committee appointments were confirmed.

At 10:32 a.m., there being no objection, the President declared the Senate to be at ease.

The Senate was called to order at 10:42 a.m. by President Cherberg.

#### REPORT OF SPECIAL COMMITTEE

The special committee consisting of Senators Vognild, von Reichbauer and Bottiger appeared before the bar of the Senate to report that the Governor had been notified, under the provisions of House Concurrent Resolution No. 4420, that the Legislature is organized and ready to transact business.

The report was received and the committee was discharged.

#### MOTION

At 10:45 a.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 12:02 p.m. by President Cherberg.

## MOTION

At 12:02 p.m., on motion of Senator Vognild, the Senate adjourned until 1:30 p.m., Tuesday, April 28, 1987.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

## SECOND DAY

---

### AFTERNOON SESSION

---

Senate Chamber, Olympia, Tuesday, April 28, 1987

The Senate was called to order at 1:30 p.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Anderson, Bender, Kiskaddon, Lee, McCaslin, Metcalf, Nelson, Owen, Pullen, Rinehart, Saling, Sellar, Stratton, Talmadge, West and Williams. There being no objection, the President excused all Senators not present.

The Sergeant at Arms Color Guard, consisting of Pages Julianne Tjossem and Matt Muilenburg, presented the Colors. The Reverend Ron Marrs, associate pastor of the Westwood Baptist Church of Olympia, offered the prayer.

#### MOTION

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

#### MOTIONS

On motion of Senator Vognild, the following bills on the third reading calendar were referred to the Committee on Rules:

SENATE BILL NO. 5012,  
 SENATE BILL NO. 5016,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5020,  
 REENGROSSED SUBSTITUTE SENATE BILL NO. 5025,  
 SUBSTITUTE SENATE BILL NO. 5031,  
 SENATE BILL NO. 5033,  
 SENATE BILL NO. 5036,  
 ENGROSSED SENATE BILL NO. 5040,  
 SENATE BILL NO. 5050,  
 SENATE BILL NO. 5052,  
 SENATE BILL NO. 5054,  
 SUBSTITUTE SENATE BILL NO. 5055,  
 SUBSTITUTE SENATE BILL NO. 5064,  
 SUBSTITUTE SENATE BILL NO. 5065,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5070,  
 SENATE BILL NO. 5072,  
 SUBSTITUTE SENATE BILL NO. 5075,  
 SENATE BILL NO. 5076,  
 SUBSTITUTE SENATE BILL NO. 5083,  
 SENATE BILL NO. 5084,  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5086,  
 SUBSTITUTE SENATE BILL NO. 5090,  
 SENATE BILL NO. 5103,  
 SUBSTITUTE SENATE BILL NO. 5115,  
 SENATE BILL NO. 5116,  
 SENATE BILL NO. 5117,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5122,  
 SUBSTITUTE SENATE BILL NO. 5132,  
 ENGROSSED SENATE BILL NO. 5152,  
 SUBSTITUTE SENATE BILL NO. 5156,  
 SUBSTITUTE SENATE BILL NO. 5157,  
 SUBSTITUTE SENATE BILL NO. 5158,  
 SUBSTITUTE SENATE BILL NO. 5165,  
 SUBSTITUTE SENATE BILL NO. 5168,  
 SENATE BILL NO. 5169,  
 SENATE BILL NO. 5171  
 SUBSTITUTE SENATE BILL NO. 5176,

SENATE BILL NO. 5183,  
ENGROSSED SENATE BILL NO. 5185  
ENGROSSED SENATE BILL NO. 5203,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5210,  
SUBSTITUTE SENATE BILL NO. 5213,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5222,  
SUBSTITUTE SENATE BILL NO. 5233,  
SENATE BILL NO. 5238,  
SENATE BILL NO. 5239,  
SENATE BILL NO. 5241,  
SENATE BILL NO. 5244,  
SENATE BILL NO. 5246,  
ENGROSSED SENATE BILL NO. 5251,  
SENATE BILL NO. 5263,  
SUBSTITUTE SENATE BILL NO. 5264,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5266,  
SENATE BILL NO. 5267,  
SENATE BILL NO. 5271,  
SUBSTITUTE SENATE BILL NO. 5278,  
SUBSTITUTE SENATE BILL NO. 5280,  
SENATE BILL NO. 5282,  
SUBSTITUTE SENATE BILL NO. 5292,  
SUBSTITUTE SENATE BILL NO. 5293,  
ENGROSSED SENATE BILL NO. 5294,  
ENGROSSED SENATE BILL NO. 5307,  
SUBSTITUTE SENATE BILL NO. 5311,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5313,  
SENATE BILL NO. 5319,  
SENATE BILL NO. 5320,  
ENGROSSED SENATE BILL NO. 5321,  
SENATE BILL NO. 5325,  
SUBSTITUTE SENATE BILL NO. 5333,  
SUBSTITUTE SENATE BILL NO. 5334,  
SENATE BILL NO. 5343,  
SUBSTITUTE SENATE BILL NO. 5345,  
SENATE BILL NO. 5355,  
SENATE BILL NO. 5359,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5364,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5365,  
SUBSTITUTE SENATE BILL NO. 5372,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5376,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5378,  
SENATE BILL NO. 5379,  
SENATE BILL NO. 5382,  
SECOND SUBSTITUTE SENATE BILL NO. 5383,  
SUBSTITUTE SENATE BILL NO. 5387,  
SUBSTITUTE SENATE BILL NO. 5391,  
SENATE BILL NO. 5395,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5398,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5401,  
SUBSTITUTE SENATE BILL NO. 5404,  
SENATE BILL NO. 5411,  
ENGROSSED SENATE BILL NO. 5422,  
SENATE BILL NO. 5429,  
SUBSTITUTE SENATE BILL NO. 5436,  
SENATE BILL NO. 5437,  
SUBSTITUTE SENATE BILL NO. 5441,  
SUBSTITUTE SENATE BILL NO. 5443,  
SENATE BILL NO. 5450,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5452,  
SUBSTITUTE SENATE BILL NO. 5460,

SENATE BILL NO. 5467,  
ENGROSSED SENATE BILL NO. 5474,  
ENGROSSED SENATE BILL NO. 5475,  
ENGROSSED SENATE BILL NO. 5478,  
ENGROSSED SENATE BILL NO. 5480,  
SUBSTITUTE SENATE BILL NO. 5492,  
SENATE BILL NO. 5500,  
SUBSTITUTE SENATE BILL NO. 5504,  
SUBSTITUTE SENATE BILL NO. 5506,  
SENATE BILL NO. 5521,  
ENGROSSED SENATE BILL NO. 5531,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5538,  
SUBSTITUTE SENATE BILL NO. 5544,  
SUBSTITUTE SENATE BILL NO. 5552,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5553,  
ENGROSSED SENATE BILL NO. 5558,  
SUBSTITUTE SENATE BILL NO. 5572,  
SENATE BILL NO. 5579,  
ENGROSSED SENATE BILL NO. 5592,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5596,  
SUBSTITUTE SENATE BILL NO. 5599,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5625,  
SUBSTITUTE SENATE BILL NO. 5626,  
SENATE BILL NO. 5627,  
SENATE BILL NO. 5631,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5634,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5639,  
SUBSTITUTE SENATE BILL NO. 5641,  
SECOND SUBSTITUTE SENATE BILL NO. 5654,  
SENATE BILL NO. 5662,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5665,  
SENATE BILL NO. 5667,  
SUBSTITUTE SENATE BILL NO. 5682,  
SUBSTITUTE SENATE BILL NO. 5692,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5704,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5720,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5723,  
SENATE BILL NO. 5731,  
ENGROSSED SENATE BILL NO. 5744,  
ENGROSSED SENATE BILL NO. 5757,  
SUBSTITUTE SENATE BILL NO. 5770,  
SENATE BILL NO. 5783,  
SUBSTITUTE SENATE BILL NO. 5787,  
SENATE BILL NO. 5788,  
SENATE BILL NO. 5831,  
SENATE BILL NO. 5832,  
SENATE BILL NO. 5834,  
SUBSTITUTE SENATE BILL NO. 5835,  
SUBSTITUTE SENATE BILL NO. 5854,  
SUBSTITUTE SENATE BILL NO. 5868,  
SENATE BILL NO. 5869,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5885,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5886,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5887,  
SENATE BILL NO. 5937,  
ENGROSSED SENATE BILL NO. 5938,  
SENATE BILL NO. 5939,  
SUBSTITUTE SENATE BILL NO. 5941,  
ENGROSSED SENATE BILL NO. 5943,  
ENGROSSED SENATE BILL NO. 5953,  
SENATE BILL NO. 5958,

SUBSTITUTE SENATE BILL NO. 5973,  
SUBSTITUTE SENATE BILL NO. 6001,  
SUBSTITUTE SENATE BILL NO. 6002,  
SUBSTITUTE SENATE BILL NO. 6008,  
SUBSTITUTE SENATE BILL NO. 6020,  
SUBSTITUTE SENATE BILL NO. 6036,  
SENATE BILL NO. 6040,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6055,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6058,  
ENGROSSED SENATE BILL NO. 6073,  
SUBSTITUTE SENATE JOINT MEMORIAL NO. 8002,  
SENATE JOINT MEMORIAL NO. 8003,  
SENATE JOINT MEMORIAL NO. 8007,  
SENATE JOINT MEMORIAL NO. 8009,  
SENATE JOINT MEMORIAL NO. 8011,  
SUBSTITUTE SENATE JOINT MEMORIAL NO. 8012,  
SUBSTITUTE SENATE JOINT MEMORIAL NO. 8013,  
SENATE JOINT MEMORIAL NO. 8015,  
ENGROSSED SENATE CONCURRENT RESOLUTION NO. 8406,  
SENATE CONCURRENT RESOLUTION NO. 8410,  
ENGROSSED SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8412,  
ENGROSSED SENATE CONCURRENT RESOLUTION NO. 8413.

On motion of Senator Vognild, SENATE BILL NO. 5901, which was on the second reading calendar, was referred to the Committee on Rules.

#### MOTION

At 1:42 p.m., on motion of Senator Vognild, the Senate adjourned until 1:30 p.m., Wednesday, April 29, 1987.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

**THIRD DAY**

---

**AFTERNOON SESSION**

---

Senate Chamber, Olympia, Wednesday, April 29, 1987

The Senate was called to order at 1:30 p.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Anderson, Cantu, Kiskaddon, Kreidler, Lee, McCaslin, Metcalf, Owen, Rinehart, Saling, Sellar, Warnke and West. On motion of Senator Vognild, all Senators not present were excused.

The Sergeant at Arms Color Guard, consisting of Pages Kathleen Tarrant and Ben Ferguson, presented the Colors. The Reverend Art Volz, associate pastor of the Baptist Chapel of Lacey, offered the prayer.

**MOTION**

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

**MESSAGES FROM THE HOUSE**

April 28, 1987

MR. PRESIDENT:

The House has adopted SENATE CONCURRENT RESOLUTION NO. 8416, and the same is herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

April 27, 1987

MR. PRESIDENT:

The Speaker has signed HOUSE CONCURRENT RESOLUTION NO. 4420, and the same is herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

**SIGNED BY THE PRESIDENT**

The President signed:

SENATE CONCURRENT RESOLUTION NO. 8416.

HOUSE CONCURRENT RESOLUTION NO. 4420.

**MOTION**

At 1:47 p.m., on motion of Senator Vognild, the Senate adjourned until 1:30 p.m., Thursday, April 30, 1987.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

## FOURTH DAY

---

### AFTERNOON SESSION

---

Senate Chamber, Olympia, Thursday, April 30, 1987

The Senate was called to order at 1:30 p.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Bauer, Johnson, Nelson, Pullen, Smitherman and Talmadge. On motion of Senator Vognild, all Senators not present were excused.

The Sergeant at Arms Color Guard, consisting of Pages Tammy Van School and Jamie Bjorkman, presented the Colors. The Reverend Tim Dolan, pastor of the Westminster Presbyterian Church of Olympia, offered the prayer.

#### MOTION

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

#### INTRODUCTION OF SPECIAL GUEST

The President introduced Consul Hiroyuki Ariyoshi of the Japanese Consulate in Seattle, who was seated with him on the rostrum.

With permission of the Senate, business was suspended to permit Consul Ariyoshi to address the Senate.

#### MESSAGE FROM THE GOVERNOR

April 29, 1987

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on April 29, 1987, Governor Gardner approved the following Senate Bills entitled:

Substitute Senate Bill No. 5104

Relating to the parks and recreation commission.

Substitute Senate Bill No. 5212

Relating to the issuance of temporary retail and wholesale liquor licenses.

Senate Bill No. 5245

Relating to reflectorized warnings on disabled vehicles.

Senate Bill No. 5408

Relating to asbestos projects.

Senate Bill No. 5513

Relating to withdrawal, restoration, and interest on state patrol retirement contributions.

Senate Bill No. 5522

Relating to public works.

Substitute Senate Bill No. 5584

Relating to penalties for inaccurate reports and claims made to the department of labor and industries.

Senate Bill No. 5735

Relating to approach roads on state highway rights of way.

Sincerely,

TERRY SEBRING, Legal Counsel to the Governor

#### MESSAGE FROM HOUSE

April 30, 1987

MR. PRESIDENT:

The Speaker has signed SENATE CONCURRENT RESOLUTION NO. 8416, and the same is herewith transmitted.



Alan Thompson, Chief Clerk

MOTION

At 1:44 p.m., on motion of Senator Vognild, the Senate adjourned until 10:00 a.m., Friday, May 1, 1987.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

**FIFTH DAY**

---

**MORNING SESSION**

---

Senate Chamber, Olympia, Friday, May 1, 1987

The Senate was called to order at 10:00 a.m. by President Pro Tempore Rasmussen. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Bauer, Conner, Craswell, DeJarnatt, Johnson, Kiskaddon, Kreidler, Lee, Nelson, Patterson, Rinehart, Saling, Smitherman, Tanner, Warnke, Williams, Wojahn and Zimmerman. On motion of Senator Vognild, all Senators not present were excused.

The Sergeant at Arms Color Guard, consisting of Pages Yon Bae Pak and Ian Craig, presented the Colors. The Reverend Tim Dolan, pastor of the Westminster Presbyterian Church of Olympia, offered the prayer.

**MOTION**

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

**MOTION**

At 10:06 a.m., on motion of Senator Vognild, the Senate adjourned until 1:30 p.m., Monday, May 4, 1987.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

## EIGHTH DAY

---

### AFTERNOON SESSION

---

Senate Chamber, Olympia, Monday, May 4, 1987

The Senate was called to order at 1:30 p.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Anderson, Bauer, Deccio, McDonald, Moore, Rinehart and Sellar. On motion of Senator Bender, Senators Bauer, Moore and Rinehart were excused. On motion of Senator Zimmerman, Senators Deccio, McDonald and Sellar were excused. On motion of Senator Metcalf, Senator Anderson was excused.

The Sergeant at Arms Color Guard, consisting of Pages Kelly Everett and Ryan Robertson, presented the Colors. Chaplain Bill Whalen of St. Peter Hospital of Olympia, offered the prayer.

### MOTION

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

### MESSAGES FROM THE GOVERNOR

April 30, 1987

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on April 30, 1987, Governor Gardner approved the following Senate Bills entitled:

Senate Bill No. 5013

Relating to street vacations.

Senate Bill No. 5097

Relating to regulations of the utility and transportation commission.

Substitute Senate Bill No. 5107

Relating to motor vehicle excise tax.

Senate Bill No. 5160

Relating to poisons and hazardous substances.

Substitute Senate Bill No. 5253

Relating to displaced homemakers.

Substitute Senate Bill No. 5423

Relating to special license plates for honorary consuls of foreign governments.

Senate Bill No. 5976

Relating to livestock liens.

Sincerely,

TERRY SEBRING, Legal Counsel to the Governor

May 1, 1987

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on May 1, 1987, Governor Gardner approved the following Senate Bills entitled:

Senate Bill No. 5178

Relating to commodities.

Senate Bill No. 5605

Relating to proportional registration of motor vehicles.

Sincerely,

TERRY SEBRING, Legal Counsel to the Governor

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

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

## MOTION

On motion of Senator Wojahn, Gubernatorial Appointment No. 9011, Dr. Robert P. Shanewise, as a member of the Hospital Commission, was confirmed.

## APPOINTMENT OF DR. ROBERT P. SHANEWISE

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 40; absent, 2; excused, 7.

Voting yea: Senators Bailey, Barr, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, Metcalf, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Saling, Smitherman, Stratton, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 40.

Absent: Senators McDermott, Talmadge - 2.

Excused: Senators Anderson, Bauer, Deccio, McDonald, Moore, Rinehart, Sellar - 7.

## MOTION

On motion of Senator Bender, Senators McDermott and Talmadge were excused.

## MOTION

On motion of Senator Wojahn, Gubernatorial Appointment No. 9029, Kathryn S. Bail as Chair of the Indeterminate Sentencing Review Board, was confirmed.

## APPOINTMENT OF KATHRYN S. BAIL

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 41; absent, 1; excused, 7.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Saling, Smitherman, Stratton, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 41.

Absent: Senator Barr - 1.

Excused: Senators Anderson, Deccio, McDermott, Moore, Rinehart, Sellar, Talmadge - 7.

## MOTION

On motion of Senator Wojahn, Gubernatorial Appointment No. 9035, Douglas D. Walsh, as a member of the Indeterminate Sentencing Review Board, was confirmed.

## APPOINTMENT OF DOUGLAS D. WALSH

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 43; excused, 6.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Saling, Smitherman, Stratton, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 43.

Excused: Senators Anderson, Deccio, Moore, Rinehart, Sellar, Talmadge - 6.

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

## MESSAGE FROM THE HOUSE

April 30, 1987

MR. PRESIDENT:

The House has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 477, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

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

## INTRODUCTION AND FIRST READING OF HOUSE BILL

E2SHB 477 by Committee on Ways and Means (originally sponsored by Representatives J. King, Brooks, McMullen, Crane, Appelwick, Brekke, Lux, Locke, Grimm, Wang, Unsoeld, Jacobsen, Moyer, Leonard, Sprenkle and Todd)

Enacting the health care access act of 1987.

## MOTION

On motion of Senator Vognild, the rules were suspended and Engrossed Second Substitute House Bill No. 477 was advanced to second reading and placed on the second reading calendar.

## MOTION

At 1:54 p.m., on motion of Senator Vognild, the Senate adjourned until 1:30 p.m., Tuesday, May 5, 1987.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

## NINTH DAY

---

### AFTERNOON SESSION

---

Senate Chamber, Olympia, Tuesday, May 5, 1987

The Senate was called to order at 1:30 p.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Anderson, Bender, Bottiger, Cantu, Conner, DeJarnatt, Halsan, Kiskaddon, Kreidler, Lee, McDermott, Moore, Nelson, Owen, Pullen, Rinehart, Sellar, Talmadge and Tanner. There being no objection, the President excused the Senators not present.

The Sergeant at Arms Color Guard, consisting of Pages Melissa Ramming and Jim Looker, presented the Colors. Chaplain Bill Whalen of St. Peter Hospital of Olympia, offered the prayer.

### MOTION

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

### MESSAGE FROM THE GOVERNOR

May 5, 1987

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on May 5, 1987, Governor Gardner approved the following Senate Bills entitled:

Substitute Senate Bill No. 5191

Relating to the redesignation of the Washington state commission on Mexican-American affairs.

Senate Bill No. 5217

Relating to wellness programs.

Substitute Senate Bill No. 5392

Relating to qualification for unemployment compensation.

Second Substitute Senate Bill No. 5501

Relating to aquatic land dredged material disposal sites.

Senate Bill No. 5774

Relating to permanent identification remarks on removable dental prosthesis.

Senate Bill No. 5863

Relating to mobile homes.

Sincerely,

TERRY SEBRING, Legal Counsel to the Governor

### MOTION

At 1:37 p.m., on motion of Senator Bauer, the Senate adjourned until 1:30 p.m., Wednesday, May 6, 1987.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

## TENTH DAY

---

### AFTERNOON SESSION

---

Senate Chamber, Olympia, Wednesday, May 6, 1987

The Senate was called to order at 1:30 p.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Deccio, Kreidler, Lee, McDermott, McDonald, Metcalf, Owen, Pullen, Sellar and Smitherman. On motion of Senator Zimmerman, Senators Deccio, Lee, Metcalf, Pullen and Sellar were excused. On motion of Senator Bender, Senators Kreidler, McDermott, Owen and Smitherman were excused.

The Sergeant at Arms Color Guard, consisting of Pages Cami Young and James Fricke, presented the Colors. Chaplain Bill Whalen of St. Peter Hospital of Olympia, offered the prayer.

#### MOTION

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

#### REPORTS OF STANDING COMMITTEES

##### GUBERNATORIAL APPOINTMENTS

April 30, 1987

GA 9005      JOE C. JONES, appointed April 10, 1985, for a term ending December 31, 1987, as a member of the State Interagency Committee for Outdoor Recreation, succeeding John H. Jessup.  
Reported by Committee on Parks and Ecology

MAJORITY recommendation: That said appointment be confirmed Signed by Senators Kreidler, Chairman; Rinehart, Vice Chairman; Bluechel, Hansen, Kiskaddon.

Hold.

April 30, 1987

GA 9054      JUDITH A. BENDOR, appointed September 22, 1986, for a term ending June 30, 1992, as a member of the Pollution Control/Shorelines Hearings Board.  
Reported by Committee on Parks and Ecology

MAJORITY recommendation: That said appointment be confirmed Signed by Senators Kreidler, Chairman; Rinehart, Vice Chairman; Bluechel, Hansen, Kiskaddon.

Hold.

April 30, 1987

GA 9118      ANNE COX, reappointed March 30, 1987, for a term ending January 31, 1989, as Chair of the State Interagency Committee for Outdoor Recreation.  
Reported by Committee on Parks and Ecology

MAJORITY recommendation: That said appointment be confirmed Signed by Senators Kreidler, Chairman; Rinehart, Vice Chairman; Bluechel, Hansen, Kiskaddon.

Hold.

#### MOTION

On motion of Senator Vognild, the rules were suspended and Gubernatorial Appointment Nos. 9005, 9054 and 9118 were advanced to second reading and placed on the second reading calendar.

## MESSAGE FROM THE GOVERNOR

May 6, 1987

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on May 6, 1987, Governor Gardner approved the following Senate Bills entitled:

Substitute Senate Bill No. 5464

Relating to courts of limited jurisdiction.

Substitute Senate Bill No. 5650

Relating to pilot qualifications.

Senate Bill No. 5732

Relating to right of way donations.

Senate Bill No. 5780

Relating to investment of campaign funds.

Senate Bill No. 5972

Relating to limiting the actions which can be brought against participants in the health care peer review process.

Sincerely,

TERRY SEBRING, Legal Counsel to the Governor

## INTRODUCTION AND FIRST READING

SB 6076 by Senator Peterson

AN ACT Relating to transportation appropriations.

Referred to Committee on Transportation.

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

## SECOND READING

## CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

## MOTION

On motion of Senator Gaspard, Gubernatorial Appointment No. 9087, Linda S. Johnson, as a member of the Board of Trustees for Shoreline Community College District No. 7, was confirmed.

## APPOINTMENT OF LINDA S. JOHNSON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 39; absent, 1; excused, 9.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, McCaslin, Moore, Nelson, Newhouse, Patterson, Peterson, Rasmussen, Rinehart, Saling, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 39.

Absent: Senator McDonald - 1.

Excused: Senators Deccio, Kreidler, Lee, McDermott, Metcalf, Owen, Pullen, Sellar, Smitherman - 9.

## MOTION

On motion of Senator Gaspard, Gubernatorial Appointment No. 9089, Robert E. Hunt, as a member of the Board of Trustees for Tacoma Community College District No. 22, was confirmed.

## APPOINTMENT OF ROBERT E. HUNT

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 41; excused, 8.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, McCaslin, McDonald, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 41.

Excused: Senators Deccio, Kreidler, Lee, McDermott, Metcalf, Pullen, Sellar, Smitherman



## MOTION

On motion of Senator Gaspard, Gubernatorial Appointment No. 9090, Girard Clark, as a member of the Board of Trustees for Spokane Community College District No. 17, was confirmed.

## APPOINTMENT OF GIRARD CLARK

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 40; absent, 1; excused, 8.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, McCaslin, McDonald, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Stratton, Talmadge, Tanner, Vognilid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 40.

Absent: Senator Nelson - 1.

Excused: Senators Deccio, Kreidler, Lee, McDermott, Metcalf, Pullen, Sellar, Smitherman - 8.

## MOTION

On motion of Senator Gaspard, Gubernatorial Appointment No. 9092, William G. Morris, as a member of the Board of Trustees for Clark Community College District No. 14, was confirmed.

## APPOINTMENT OF WILLIAM G. MORRIS

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 41; excused, 8.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, McCaslin, McDonald, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Stratton, Talmadge, Tanner, Vognilid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 41.

Excused: Senators Deccio, Kreidler, Lee, McDermott, Metcalf, Pullen, Sellar, Smitherman - 8.

## MOTION

On motion of Senator Wojahn, Gubernatorial Appointment No. 9094, Maureen E. Sandison, as a member of the State Board of Pharmacy, was confirmed.

## APPOINTMENT OF MAUREEN E. SANDISON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 41; excused, 8.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, McCaslin, McDonald, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Stratton, Talmadge, Tanner, Vognilid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 41.

Excused: Senators Deccio, Kreidler, Lee, McDermott, Metcalf, Pullen, Sellar, Smitherman - 8.

## MOTION

On motion of Senator Wojahn, Gubernatorial Appointment No. 9096, Kaye Adkins, as a member of the Indeterminate Sentencing Review Board was confirmed.

## APPOINTMENT OF KAYE ADKINS

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 42; excused, 7.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, McCaslin, McDermott, McDonald, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Stratton, Talmadge, Tanner, Vognilid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 42.

Excused: Senators Deccio, Kreidler, Lee, Metcalf, Pullen, Sellar, Smitherman - 7.

## MOTION

At 2:01 p.m., on motion of Senator Bottiger, the Senate recessed until 3:00 p.m.

## SECOND AFTERNOON SESSION

The Senate was called to order at 3:33 p.m. by President Cherberg.

## MOTION

On motion of Senator Gaspard, gubernatorial appointment No. 9097, Rodolfo Cruz, as a member of the Board of Trustees for Columbia Basin Community College District No. 19, was confirmed.

## APPOINTMENT OF RODOLFO CRUZ

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 38; absent, 7; excused, 4.

Voting yeas: Senators Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, McCaslin, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 38.

Absent: Senators Benitz, Cantu, Hayner, McDermott, McDonald, Nelson, Zimmerman - 7.

Excused: Senators Deccio, Kreidler, Lee, Metcalf - 4.

There being no objection, the President returned the Senate to the first order of business.

## REPORTS OF STANDING COMMITTEES

May 6, 1987

SB 6016 Prime Sponsor, Senator Peterson: Relating to transportation revenue and taxation. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6016 be substituted therefor, and the substitute bill do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Tanner, Conner, DeJarnatt, Halsan, Nelson, Patterson, Smitherman, von Reichbauer.

Hold.

May 6, 1987

SB 6076 Prime Sponsor, Senator Peterson: Relating to transportation appropriations. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6076 be substituted therefor, and the substitute bill do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Tanner, Vice Chairman; Bender, Conner, DeJarnatt, Halsan, Johnson, Nelson, Patterson, Smitherman, von Reichbauer.

Hold.

## MOTION

On motion of Senator Vognild, the rules were suspended and Senate Bill No. 6016 and Senate Bill No. 6076 were advanced to second reading and placed on the second reading calendar.

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

## MOTION

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

## SENATE RESOLUTION 1987-8680

by Senators Gaspard, Bailey, Rasmussen, Zimmerman, Kiskaddon, Johnson, Warnke, Conner

WHEREAS, The National Congress of Parents and Teachers declared the week of May 4th through May 9th as National Teacher Appreciation Week; and

WHEREAS, The National Education Association declared May 5th to be National Teacher Day; and

WHEREAS, America's greatest strength has always been an educated citizenry; and

WHEREAS, That educated citizenry is directly attributable to our system of free and universal public education that provides and educational opportunity for all students; and

WHEREAS, The foundation upon which that system of public schooling rests is the classroom teacher, like Beverly Warnke; and

WHEREAS, The classroom teacher is challenged daily to reach out to every student regardless of ability, interest in learning, social or economic background, physical, mental, or emotional handicap, race, religion, creed, or ethnic origin, to provide the assistance and guidance necessary for full intellectual development; and

WHEREAS, The classroom teacher is a key to the intellectual and occupational preparation of individual citizens who collectively determine the quality of life in America and the state of Washington; and

WHEREAS, The work of the classroom teacher immeasurably affects the future lives of all students; and

WHEREAS, The classroom teacher deserves the deepest respect and admiration of the citizens of Washington State;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington recognizes and extends its appreciation for the dedication and contributions of classroom teachers like Beverly Warnke, not only to the state of Washington as a whole, but to each of us as individual citizens; and

BE IT FURTHER RESOLVED, That the Washington State Senate commends Beverly Warnke and all the other classroom teachers in Washington State for their hard work and dedication to the teaching of our young people; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate immediately transmit copies of this resolution to Beverly Warnke, the Washington State PTA and the Washington Education Association.

#### MOTION

At 3:42 p.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 5:13 p.m. by President Cherberg.

There being no objection, the President returned the Senate to the sixth order of business.

#### SECOND READING

#### CONFIRMATION OF GUBERNATORIAL APPOINTMENT

#### MOTION

On motion of Senator Vognild, Gubernatorial Appointment No. 9098, Don S. Schwerin, as a member of the Board of Trustees for Walla Walla Community College District No. 20, was confirmed.

#### APPOINTMENT OF DON S. SCHWERIN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 43; absent, 3; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDermott, McDonald, Moore, Nelson, Newhouse, Owen, Peterson, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 43.

Absent: Senators Benitz, Pullen, Tanner - 3.

Excused: Senators Deccio, Lee, Metcalf - 3.

#### MOTION

At 5:18 p.m., on motion of Senator Vognild, the Senate adjourned until 9:00 a.m., Thursday, May 7, 1987.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

## ELEVENTH DAY

---

### MORNING SESSION

---

Senate Chamber, Olympia, Thursday, May 7, 1987

The Senate was called to order at 9:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Barr, Bauer, Bottiger, Cantu, Deccio, Halsan, Kiskaddon, Lee, McDermott, McDonald, Metcalf, Rasmussen, Rinehart and Smitherman. On motion of Senator Zimmerman, Senators Cantu, Deccio, Kiskaddon, Lee, McDonald and Metcalf were excused. On motion of Senator Bender, Senators Bottiger, Halsan, McDermott, Rinehart and Smitherman were excused.

The Sergeant at Arms Color Guard, consisting of Pages Elizabeth Hendricks-Ritter and Megan Lee, presented the Colors. Chaplain Bill Whalen of St. Peter Hospital of Olympia, offered the prayer.

#### MOTION

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

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

### SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

On motion of Senator Wojahn, Gubernatorial Appointment No. 9051, Judith A. Klayman, as a member of the Hospital Commission, was confirmed.

#### APPOINTMENT OF JUDITH A. KLAYMAN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 35; absent, 3; excused, 11.

Voting yea: Senators Anderson, Bailey, Bender, Benitz, Bluechel, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Hansen, Hayner, Johnson, Kreidler, McCaslin, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Saling, Sellar, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 35.

Absent: Senators Barr, Bauer, Rasmussen - 3.

Excused: Senators Bottiger, Cantu, Deccio, Halsan, Kiskaddon, Lee, McDermott, McDonald, Metcalf, Rinehart, Smitherman - 11.

#### MOTION

On motion of Senator Bender, Senator Rasmussen was excused.

#### MOTION

On motion of Senator Wojahn, Gubernatorial Appointment No. 9052, Joseph E. Hunt, as a member of the Hospital Commission was confirmed.

#### APPOINTMENT OF JOSEPH E. HUNT

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 37; excused, 12.

Voting yea: Senators Anderson, Bailey, Barr, Bender, Benitz, Bluechel, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Hansen, Hayner, Johnson, Kreidler, McCaslin, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rinehart, Saling, Sellar, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 37.

Excused: Senators Bauer, Bottiger, Cantu, Deccio, Halsan, Kiskaddon, Lee, McDermott, McDonald, Metcalf, Rasmussen, Smitherman - 12.

#### MOTION

On motion of Senator Zimmerman, Senator Patterson was excused.

## MOTION

On motion of Senator Wojahn, Gubernatorial Appointment No. 9071, David L. Carlson, as a member of the Indeterminate Sentencing Review Board, was confirmed.

## APPOINTMENT OF DAVID L. CARLSON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 36; absent, 1; excused, 12.

Voting yea: Senators Anderson, Bailey, Barr, Bender, Benitz, Bluechel, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Hansen, Hayner, Johnson, Kreidler, McCaslin, Moore, Newhouse, Owen, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 36.

Absent: Senator Nelson - 1.

Excused: Senators Bauer, Bottiger, Cantu, Deccio, Halsan, Kiskaddon, Lee, McDermott, McDonald, Metcalf, Patterson, Smitherman - 12.

## MOTION

On motion of Senator Zimmerman, Senator Hayner was excused.

## MOTION

On motion of Senator Kreidler, Gubernatorial Appointment No. 9054, Judith A. Bendor, as a member of the Pollution Control/Shorelines Hearings Board, was confirmed.

## APPOINTMENT OF JUDITH A. BENDOR

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 34; nays, 1; absent, 1; excused, 13.

Voting yea: Senators Anderson, Bailey, Barr, Bender, Benitz, Bluechel, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Hansen, Johnson, Kreidler, McCaslin, Newhouse, Owen, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 34.

Voting nay: Senator Moore - 1.

Absent: Senator Nelson - 1.

Excused: Senators Bauer, Bottiger, Cantu, Deccio, Halsan, Hayner, Kiskaddon, Lee, McDermott, McDonald, Metcalf, Patterson, Smitherman - 13.

## MOTION

On motion of Senator Vognild, Gubernatorial Appointment No. 9074, William R. Wilkerson, as Director of the Department of Revenue, was confirmed.

## APPOINTMENT OF WILLIAM R. WILKERSON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 31; nays, 4; absent, 1; excused, 13.

Voting yea: Senators Anderson, Bailey, Barr, Bender, Benitz, Bluechel, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Hansen, Johnson, Kreidler, McCaslin, Newhouse, Owen, Peterson, Rinehart, Saling, Sellar, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 31.

Voting nay: Senators Moore, Pullen, Rasmussen, West - 4.

Absent: Senator Nelson - 1.

Excused: Senators Bauer, Bottiger, Cantu, Deccio, Halsan, Hayner, Kiskaddon, Lee, McDermott, McDonald, Metcalf, Patterson, Smitherman - 13.

## MOTION

At 9:29 a.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 11:29 a.m. by President Cherberg.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENT

## MOTION

On motion of Senator Vognild, Gubernatorial Appointment No. 9102, Hector X. Gonzales, as a member of the Corrections Standard Board, was confirmed.

## APPOINTMENT OF HECTOR X. GONZALES

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 44; absent, 1; excused, 4.

Voting yeas: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kreidler, McCaslin, McDermott, McDonald, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 44.

Absent: Senator Nelson - 1.

Excused: Senators Deccio, Kiskaddon, Lee, Metcalf - 4.

## MOTION

At 11:43 a.m., on motion of Senator Vognild, the Senate recessed until 1:00 p.m.

## AFTERNOON SESSION

The Senate was called to order at 1:00 p.m. by President Cherberg.

## SECOND READING

## CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

## MOTION

On motion of Senator Bender, Gubernatorial Appointment No. 9040, William J. Kamps, as a member of the State Transportation Commission, was confirmed.

## APPOINTMENT OF WILLIAM J. KAMPS

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 41; absent, 4; excused, 4.

Voting yeas: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kreidler, McCaslin, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 41.

Absent: Senators McDermott, McDonald, Smitherman, Stratton - 4.

Excused: Senators Deccio, Kiskaddon, Lee, Metcalf - 4.

## MOTION

On motion of Senator Gaspard, Gubernatorial Appointment No. 9104, Fred H. DeBerry, as a member of the Board of Trustees for the State School for the Deaf, was confirmed.

## APPOINTMENT OF FRED H. DeBERRY

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 42; absent, 3; excused, 4.

Voting yeas: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kreidler, McCaslin, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 42.

Absent: Senators McDermott, McDonald, Smitherman - 3.

Excused: Senators Deccio, Kiskaddon, Lee, Metcalf - 4.

## MOTION

On motion of Senator Vognild, the Senate commenced consideration of Senate Bill No. 6016.

## SECOND READING

SENATE BILL NO. 6016, by Senator Peterson

Relating to transportation revenue and taxation.

## MOTIONS

On motion of Senator Bender, Substitute Senate Bill No. 6016 was substituted for Senate Bill No. 6016 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Talmadge, the following amendment was adopted:

On page 6, beginning on line 29 strike everything down to and including "year." on page 15, line 2.

Renumber the remaining sections consecutively and correct internal references.

#### MOTION

Senator Sellar moved that the following amendments by Senators Sellar and Nelson be considered simultaneously and adopted:

On page 1, line 22, after "~~((three))~~" strike "five dollars (~~((and fifty cents))~~)" and insert "four dollars and fifty cents"

On page 1, line 29, after "~~((three))~~" strike "five dollars (~~((and fifty cents))~~)" and insert "four dollars and fifty cents"

On page 3, line 18, after "~~((three))~~" strike "five dollars (~~((and fifty cents))~~)" and insert "four dollars and fifty cents"

Debate ensued.

Senator Talmadge demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendments by Senators Sellar and Nelson.

#### ROLL CALL

The Secretary called the roll and the motion by Senator Sellar carried and the amendments were adopted by the following vote: Yeas, 26; nays, 19; excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Garrett, Hayner, Johnson, McCaslin, McDonald, Moore, Nelson, Newhouse, Owen, Patterson, Pullen, Saling, Sellar, Smitherman, Stratton, Tanner, von Reichbauer, West, Zimmerman - 26.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Gaspard, Halsan, Hansen, Kreidler, McDermott, Peterson, Rasmussen, Rinehart, Talmadge, Vognild, Warnke, Williams, Wojahn - 19.

Excused: Senators Deccio, Kiskaddon, Lee, Metcalf - 4.

#### MOTION

Senator McDermott moved that the following amendment be adopted:

On page 16, beginning on line 34, strike everything down through and including "accordingly," on page 20, line 24

Renumber the remaining sections consecutively and correct internal references.

Debate ensued.

Senator Peterson demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator McDermott.

#### ROLL CALL

The Secretary called the roll and the motion by Senator McDermott failed and the amendment was not adopted by the following vote: Yeas, 21; nays, 24; excused, 4.

Voting yea: Senators Barr, Bauer, Bluechel, Cantu, Conner, Fleming, Garrett, Gaspard, Johnson, Kreidler, McDermott, Moore, Nelson, Newhouse, Rasmussen, Rinehart, Saling, Stratton, Talmadge, Williams, Wojahn - 21.

Voting nay: Senators Anderson, Bailey, Bender, Benitz, Bottiger, Craswell, DeJarnatt, Halsan, Hansen, Hayner, McCaslin, McDonald, Owen, Patterson, Peterson, Pullen, Sellar, Smitherman, Tanner, Vognild, von Reichbauer, Warnke, West, Zimmerman - 24.

Excused: Senators Deccio, Kiskaddon, Lee, Metcalf - 4.

#### MOTION

Senator Bottiger moved that the following amendment by Senators Bottiger, Bender and Bluechel be adopted:

On page 22, after line 4, insert the following:

NEW SECTION, Sec. 17. The legislature recognizes that a strong, balanced transportation system is vital to citizens of the state of Washington and its economic growth and social well-being.

The legislature further recognizes that the revenues currently available to the state and to counties and cities for highway, road, and street construction fall far short of the identified need. The 1983 Washington state public works report identified a \$1.4 billion shortfall for the period 1984-1988. The gap between identified needs and available revenues continues to increase.

Finally, the legislature recognizes that by 1991 the federal interstate highway funding program is scheduled to terminate. This will likely result in significant shifts in traditional highway funding patterns and a need to adjust state funding formulae.

In order to address serious traffic congestion problems throughout the state on state highways, county roads, and city streets, to meet rural small community road and street needs, and to construct vital, high-cost state highway projects that otherwise will not be funded, the legislature intends to provide additional fuel tax revenues. It is intended that these new revenues be targeted to the most urgently needed construction projects throughout the state, rather than to ongoing maintenance of the existing system. It is further intended that allocation of the new revenues to these construction programs, other than for the high-cost projects, be for only four years' duration. By 1991, this will allow those revenues to be reallocated among the three jurisdictional levels to better reflect the findings of relative need currently being assessed by the road jurisdiction study and to accommodate changes in federal funding expected to occur.

Sec. 18. Section 6, chapter 317, Laws of 1977 ex. sess. as last amended by section 27, chapter 49, Laws of 1983 1st ex. sess. and RCW 82.36.025 are each amended to read as follows:

The motor vehicle fuel tax rate shall be computed as the sum of the tax rate provided in subsection (1) of this section and the additional tax rates provided in subsections (2) through ~~((4))~~ (5) of this section.

(1) ~~((Except as required in subsection (5) of this section:))~~ A motor vehicle fuel tax rate of ~~((fifteen))~~ seventeen cents per gallon shall apply to the sale, distribution, or use of motor vehicle fuel ~~((from July 1, 1983, through June 30, 1984, and a motor vehicle fuel tax rate of seventeen cents per gallon shall apply thereafter)).~~

(2) An additional motor vehicle fuel tax rate of one-third cent per gallon shall apply to the sale, distribution, or use of motor vehicle fuel, and the proceeds from this additional tax rate, reduced by an amount equal to the sum of the payments under RCW 46.68.090 (1) and (2) multiplied by the additional tax rate prescribed by this subsection divided by the motor vehicle fuel tax rate provided in this section, shall be deposited in the rural arterial trust account in the motor vehicle fund for expenditures under RCW 36.79.020.

(3) An additional motor vehicle fuel tax rate of one-third cent per gallon shall apply to the sale, distribution, or use of motor vehicle fuel, and the proceeds from this additional tax rate, reduced by an amount equal to the sum of the payments under RCW 46.68.090 (1) and (2) multiplied by the additional tax rate prescribed by this subsection divided by the motor vehicle fuel tax rate provided in this section, shall be deposited in the urban arterial trust account in the motor vehicle fund.

(4) An additional motor vehicle ~~((full (fuel)))~~ fuel tax rate of one-third cent per gallon shall be applied to the sale, distribution, or use of motor vehicle fuel, and the proceeds from this additional tax rate, reduced by an amount equal to the sum of the payments under RCW 46.68.090 (1) and (2) multiplied by the additional tax rate prescribed by this subsection divided by the motor vehicle fuel tax rate provided in this section, shall be deposited in the motor vehicle fund to be expended for highway purposes of the state as defined in RCW 46.68.130.

(5) ~~((a) Before the start of each fiscal year, the department of licensing shall estimate the total aggregate motor vehicle fuel tax revenues and the total of all other revenues that will accrue to the motor vehicle fund during the fiscal year. The estimated total of all other state revenues to accrue to the motor vehicle fund during the fiscal year shall include those revenues (other than the aggregate motor vehicle fuel tax revenues) which the department of transportation with the concurrence of the office of financial management determines will accrue during the fiscal year, assuming that collections of such revenues for the fiscal year shall be at the same level as during the fiscal year just ended, adjusted however for historic variations in collections according to yearly periods and for projected trends, but shall not include the proceeds of the sale of bonds, reimbursements to the motor vehicle fund for services performed by the department of transportation for others, moneys derived from nonfuel tax sources that are deposited directly in the several accounts within the motor vehicle fund, interest deposited directly in the several accounts within the motor vehicle fund, nor federal funds. The estimated total aggregate motor vehicle fuel tax revenues for the fiscal year shall include those revenues that the department of licensing determines will accrue during the fiscal year, assuming the sale, distribution, and use of motor vehicle fuel and special fuel within the state for the fiscal year will be at the same volume as during the fiscal year last ended, adjusted however for the historic variations in sales, distribution, and use according to yearly periods and for projected trends.~~

~~((b) If the estimated aggregate motor fuel tax revenues plus all other state revenues that will accrue to the motor vehicle fund during a fiscal year as computed in (a) of this subsection exceed the motor vehicle fund revenue limit in the fiscal year as computed in (c) of this subsection, the rate of motor fuel tax provided in subsection (1) of this section shall be reduced by one-half cent increments for the fiscal year only, commencing at the beginning of the fiscal year, as may be necessary to reduce the estimated total revenues for the fiscal year to within the motor vehicle fund revenue limit.~~

~~((c) The motor vehicle fund revenue limit for any fiscal year shall be the previous fiscal year's motor vehicle fund revenue limit multiplied by the average state personal income ratio~~



for the three calendar years immediately preceding the beginning of the fiscal year for which the limit is being computed. For purposes of computing the motor vehicle fund revenue limit for the fiscal year ending June 30, 1981, the phrase "the previous fiscal year's motor vehicle fund revenue limit" means the motor vehicle fund revenue collected in the fiscal year ending June 30, 1979, multiplied by the average state personal income ratio for the calendar years 1976, 1977, and 1978.

~~(6) The legislative transportation committee shall study and analyze each biennium the financial condition of the motor vehicle fund and accounts thereof with particular emphasis on RCW 82.36.010 and 82.36.025.) An additional motor vehicle fuel tax rate of three and one-third cents per gallon from July 1, 1987, through June 30, 1988, and five cents per gallon from July 1, 1988, shall apply to the sale, distribution, or use of motor vehicle fuel. The proceeds from the additional tax rates under this subsection, reduced by an amount equal to the sum of the payments under RCW 46.68.090 (1) and (2) multiplied by the additional tax rate prescribed by this subsection divided by the motor fuel tax rate provided in this section, shall be deposited in the motor vehicle fund and shall be distributed by the state treasurer according to section 20 of this 1987 act.~~

Sec. 19. Section 46.68.090, chapter 12, Laws of 1961 as last amended by section 21, chapter 49, Laws of 1983 1st ex. sess. and RCW 46.68.090 are each amended to read as follows:

All moneys that have accrued or may accrue to the motor vehicle fund from the motor vehicle fuel tax and special fuel tax shall be first expended for the following purposes:

(1) For payment of refunds of motor vehicle fuel tax and special fuel tax that has been paid and is refundable as provided by law;

(2) For payment of amounts to be expended pursuant to appropriations for the administrative expenses of the offices of state treasurer, state auditor, and the department of licensing of the state of Washington in the administration of the motor vehicle fuel tax and the special fuel tax, which sums shall be distributed monthly;

(3) For ~~((payments))~~ distribution to the rural arterial trust account in the motor vehicle fund, an amount as provided in RCW 82.36.025(2) and section 20(1) of this 1987 act;

(4) For ~~((payments))~~ distribution to the urban arterial trust account in the motor vehicle fund, an amount as provided in RCW 82.36.025(3); ~~((and))~~

(5) For expenditure for highway purposes of the state as defined in RCW 46.68.130, an amount as provided in RCW 82.36.025(4);

(6) For distribution to the transportation improvement account in the motor vehicle fund, an amount as provided in section 20(2) of this 1987 act;

(7) For distribution to the local interest state transportation account in the motor vehicle fund, an amount as provided in section 20(4) of this 1987 act; and

(8) For expenditure under section 20(3) of this 1987 act.

The amount accruing to the motor vehicle fund by virtue of the motor vehicle fuel tax and the special fuel tax and remaining after payments, distributions, and expenditures as provided in subsections ~~(1), (2), (3), (4), and (5))~~ through (8) of this section shall, for the purposes of this chapter, be referred to as the "net tax amount."

NEW SECTION, Sec. 20. A new section is added to chapter 46.68 RCW to read as follows:

All moneys that have accrued or may accrue to the motor vehicle fund from the motor vehicle fuel tax and special fuel tax imposed by RCW 82.36.025(5) shall be distributed monthly by the state treasurer in the following manner:

(1) From July 1, 1987, through June 30, 1988, one-sixth cent and from July 1, 1988, through June 30, 1991, one-third cent shall be deposited in the rural arterial trust account in the motor vehicle fund.

(2) From July 1, 1987, through June 30, 1988, one and one-sixth cents and from July 1, 1988, through June 30, 1991, one and one-half cents shall be deposited in the transportation improvement account hereby created in the motor vehicle fund.

(3) From July 1, 1987, through June 30, 1988, one cent and from July 1, 1988, through June 30, 1991, one and one-half cents shall be deposited in the motor vehicle fund and shall be expended solely for highway purposes of the state, subject to the conditions imposed by chapter 47.05 RCW.

(4) From July 1, 1987, through June 30, 1988, one cent and from July 1, 1988, one and two-thirds cents shall be deposited in the local interest state transportation account hereby created in the motor vehicle fund for local interest state transportation projects as proposed by the Washington state transportation commission and approved by the legislature.

NEW SECTION, Sec. 21. A new section is added to chapter 47.26 RCW to read as follows:

(1) There is hereby created a transportation improvement board of fifteen members, six of whom shall be county members and six of whom shall be city members. The remaining members shall be: (a) The secretary of transportation; (b) the assistant secretary for highways of the department of transportation; and (c) the state aid engineer of the department of transportation.

(2) Of the county members of the board, one member shall be a county engineer from a county of the first class or larger; one member shall be a county engineer from a county of the second class or smaller; one member shall be an engineer occupying the position of county

road administration engineer, created by RCW 36.78.060; two members shall be county executives, council members, or commissioners from counties of the first class or larger; one member shall be a county executive, council member, or commissioner from a county of the second class or smaller. All county members of the board, except the county road administration engineer, shall be appointed. Not more than one county member of the board shall be from one county. For the purposes of this subsection, the term county engineer shall mean the director of public works in any county in which such a position exists.

(3) Of the city members of the board two shall be chief city engineers, public works directors, or other city employees with responsibility for public works activities, of cities over twenty thousand population; one shall be a chief city engineer, public works director, or other city employee with responsibility for public works activities, of a city of less than twenty thousand population; two shall be mayors, commissioners, or city council members of cities of more than twenty thousand population; and one shall be a mayor, commissioner, or council member of a city of less than twenty thousand population. All of the city members shall be appointed. Not more than one city member of the board shall be from one city.

(4) Appointments of county and city representatives shall be made by the governor, with initial appointments to be made by July 1, 1987. Appointees shall be chosen from a list of two persons for each position nominated by the Washington state association of counties for county members and the association of Washington cities for city members. Except as provided in subsection (5) of this section, terms of appointment are four years. In the case of a vacancy, the appointment shall be only for the remainder of the unexpired term in which the vacancy has occurred. A vacancy shall be deemed to have occurred on the board when any member elected to public office completes that term of office or is removed therefrom for any reason or when any member employed by a political subdivision terminates such employment for whatsoever reason.

(5) The initial appointment to the board for three county representatives and three city representatives shall be for terms of two years and the remainder of the appointments shall be for terms of four years. Terms of all appointed members shall expire on June 30th of odd-numbered years.

(6) The board shall elect a chair from among its members for a two-year term.

(7) Expenses of the board, including administration of the transportation improvement program, shall be paid from the transportation improvement account.

**NEW SECTION.** Sec. 22. A new section is added to chapter 47.26 RCW to read as follows:

Funds in the transportation improvement account of the motor vehicle fund, created in section 20 of this act, shall be expended by the transportation improvement board for improvement projects and for expenses of the board associated with the administration of the transportation improvement program set forth in this section. The board shall adopt rules and procedures for allocation of funds in the transportation improvement account.

The board shall allocate funds from the account by June 30 of each year for the ensuing fiscal year and shall endeavor to provide geographical diversity in selecting improvement projects to be funded from the account.

Of the amount available in the transportation improvement account for improvement projects:

(1) Eighty-seven percent shall be allocated to counties, to cities over five thousand population, and to transportation benefit districts, for county, city, and multi-agency arterial improvement projects.

To be eligible to receive these funds, a project must be (a) consistent with state, regional, and local transportation plans, (b) necessitated by existing or reasonably foreseeable congestion levels attributable to economic development or growth, and (c) partially funded by local government or private developer contributions, or a combination of such contributions.

Within one year after board approval of an application for funding, a county, city, or transportation benefit district shall provide written certification to the board of the pledged local and/or private funding. Funds allocated to an applicant which does not certify its funding within one year after approval may be reallocated by the board.

(2) Thirteen percent shall be allocated by the board to cities under five thousand population for street improvement projects in a manner determined by the board.

**NEW SECTION.** Sec. 23. A new section is added to chapter 47.26 RCW to read as follows:

Any county, city, or transportation benefit district constructing a project using transportation improvement account funds shall submit to the board its voucher for payment of the transportation improvement account share of the cost. The chair of the board or the chair's designee shall approve the voucher, when proper to do so, for payment from the account.

The board may adopt rules providing for the approval of payments of funds in the account for costs of construction of an approved project for work in progress and when the project is complete. These payments shall at no time exceed the account share of the costs of construction incurred to the date of the voucher covering the payment.

**NEW SECTION.** Sec. 24. In addition to any other reports required by law, by January 15, 1988, the transportation improvement board shall submit to the legislative transportation committee a report setting forth its plans for implementing the provisions of this act. The report shall

include the criteria intended to be applied in allocating funds in the transportation improvement account, the local and/or private contribution requirements, and the procedures to be followed by applicants.

**NEW SECTION.** Sec. 25. A new section is added to chapter 47.26 RCW to read as follows:

In addition to any other reports required by law, beginning July 1, 1988, and annually thereafter, the board shall submit a report to the legislative transportation committee covering board activities and expenditures for the previous fiscal year and planned activities and expenditures for the ensuing fiscal year. Each report shall include information on administrative expenditures as well as expenditures for improvement projects.

**NEW SECTION.** Sec. 26. A new section is added to chapter 47.26 RCW to read as follows:

Before October 1 of each year, the department shall develop and submit to the transportation commission, the governor, and the executive committee of the legislative transportation committee for review, a prioritized list of local interest state transportation projects which are recommended for funding by the legislature from the revenues allocated for that purpose in section 20(4) of this act. For each project recommended, an analysis shall be done to include, but not be limited to, a description of the project scope, anticipated development schedule, and specific cost projections.

The projects submitted shall have demonstrated support by the public in the affected area. Where feasible, local government and/or private contributions toward the cost of these projects is encouraged.

Sec. 27. Section 20, chapter 380, Laws of 1985 and RCW 46.68.030 are each amended to read as follows:

Except for proceeds from fees for vehicle licensing for vehicles paying such fees under RCW 46.16.070 and 46.16.085, all fees received by the director for vehicle licenses under the provisions of chapter 46.16 RCW shall be forwarded to the state treasurer, accompanied by a proper identifying detailed report, and be by him deposited to the credit of the motor vehicle fund, except that the proceeds from the vehicle license fee and renewal license fee shall be deposited by the state treasurer as hereinafter provided. After July 1, 1981, that portion of each vehicle license fee in excess of \$7.40 and that portion of each renewal license fee in excess of \$3.40 shall be deposited in the state patrol highway account in the motor vehicle fund, hereby created. Vehicle license fees, renewal license fees, and all other funds in the state patrol highway account shall be for the sole use of the Washington state patrol for highway activities of the Washington state patrol, subject to proper appropriations and reappropriations therefor, for any fiscal biennium after June 30, 1981, and twenty-seven and three-tenths percent of the proceeds from \$7.40 of each vehicle license fee and \$3.40 of each renewal license fee shall be deposited each biennium in the Puget Sound ferry operations account to partially finance, together with other funds in the account, any budgeted state ferry system maintenance and operating deficit for that biennium. ~~(The deficit shall be calculated by subtracting from total costs the sum of all unappropriated funds available to the state ferry system, including revenues from tolls that are adjusted by the transportation commission.)~~ Any remaining amounts of vehicle license fees and renewal license fees that are not deposited in the Puget Sound ferry operations account shall be deposited in the motor vehicle fund.

Sec. 28. Section 46.68.110, chapter 12, Laws of 1961 as last amended by section 32, chapter 460, Laws of 1985 and RCW 46.68.110 are each amended to read as follows:

Funds credited to the incorporated cities and towns of the state as set forth in subdivision (1) of RCW 46.68.100 shall be subject to deduction and distribution as follows:

(1) One and one-half percent of such sums shall be deducted monthly as such sums are credited and set aside for the use of the department of transportation for the supervision of work and expenditures of such incorporated cities and towns on the city and town streets thereof, including the supervision and administration of federal-aid programs for which the department of transportation has responsibility: PROVIDED, That any moneys so retained and not expended shall be credited in the succeeding biennium to the incorporated cities and towns in proportion to deductions herein made:

(2) From July 1, ~~((1985))~~ 1987, through June 30, ~~((1987))~~ 1989, ~~((twenty-four))~~ thirty-three one-hundredths of one percent of such funds shall be deducted monthly, as such funds accrue, and set aside for the use of the department of transportation for the purpose of funding the cities' share of the costs of highway jurisdiction studies and ~~((related))~~ other studies. Any funds so retained and not expended shall be credited in the succeeding biennium to the cities in proportion to the deductions made;

(3) The balance remaining to the credit of incorporated cities and towns after such deduction shall be apportioned monthly as such funds accrue among the several cities and towns within the state ratably on the basis of the population last determined by the office of financial management.

Sec. 29. Section 46.68.120, chapter 12, Laws of 1961 as last amended by section 33, chapter 460, Laws of 1985 and RCW 46.68.120 are each amended to read as follows:

Funds to be paid to the counties of the state shall be subject to deduction and distribution as follows:

(1) One and one-half percent of such funds shall be deducted monthly as such funds accrue and set aside for the use of the department of transportation and the county road administration board for the supervision of work and expenditures of such counties on the county roads thereof, including the supervision and administration of federal-aid programs for which the department of transportation has responsibility: PROVIDED, That any funds so retained and not expended shall be credited in the succeeding biennium to the counties in proportion to deductions herein made;

(2) All sums required to be repaid to counties composed entirely of islands shall be deducted:

(3) From July 1, ~~((1985))~~ 1987, through June 30, ~~((1987))~~ 1989, ~~((twenty-four))~~ thirty-three one-hundredths of one percent of such funds shall be deducted monthly, as such funds accrue, and set aside for the use of the department of transportation for the purpose of funding the counties' share of the costs of highway jurisdiction studies and ~~((related))~~ other studies. Any funds so retained and not expended shall be credited in the succeeding biennium to the counties in proportion to the deductions made;

(4) The balance of such funds remaining to the credit of counties after such deductions shall be paid to the several counties monthly, as such funds accrue, in accordance with RCW 46.68.122 and 46.68.124.

Sec. 30. Section 35.77.010, chapter 7, Laws of 1965 as last amended by section 23, chapter 7, Laws of 1984 and RCW 35.77.010 are each amended to read as follows:

(1) The legislative body of each city and town, pursuant to one or more public hearings thereon, shall prepare and adopt a comprehensive street program for the ensuing six calendar years and shall file the program with the secretary of transportation not more than thirty days after its adoption. Annually thereafter the legislative body of each city and town shall review the work accomplished under the program and determine current city street needs. Based on these findings each such legislative body shall prepare and after public hearings thereon adopt a revised and extended comprehensive street program before July 1st of each year, and each one-year extension and revision shall be filed with the secretary of transportation not more than thirty days after its adoption. The purpose of this section is to assure that each city and town shall perpetually have available advanced plans looking to the future for not less than six years as a guide in carrying out a coordinated street construction program. The program may at any time be revised by a majority of the legislative body of a city or town, but only after a public hearing.

The six-year program of each city lying within an urban area shall contain a separate section setting forth the six-year program for arterial street construction based upon its long range construction plan and formulated in accordance with rules of the ~~((urban-arterial))~~ transportation improvement board. The six-year program for arterial street construction shall be submitted to the ~~((urban-arterial))~~ transportation improvement board forthwith after its annual revision and adoption by the legislative body of the city. The six-year program for arterial street construction shall be based upon estimated revenues available for such construction together with such additional sums as the legislative authority may request for urban arterials ~~((only))~~ from the urban arterial trust account or the transportation improvement account for the six-year period. The arterial street construction program shall provide for a more rapid rate of completion of the long-range construction needs of ~~((major))~~ principal arterial streets than for ~~((secondary))~~ minor and collector arterial streets, pursuant to rules of the ~~((urban-arterial))~~ transportation improvement board: PROVIDED, That urban arterial trust funds made available to the group of incorporated cities lying outside the boundaries of federally approved urban areas within each region need not be divided between functional classes of arterials but shall be available for any designated arterial street.

(2) ~~((On and after July 1, 1976;))~~ Each six-year program forwarded to the secretary in compliance with subsection (1) of this section shall contain information as to how a city or town will expend its moneys, including funds made available pursuant to chapter 47.30 RCW, for bicycle, pedestrian, and equestrian purposes.

Sec. 31. Section 11, chapter 49, Laws of 1983 1st ex. sess. and RCW 36.79.110 are each amended to read as follows:

The county road administration board and the ~~((urban-arterial))~~ transportation improvement board shall jointly adopt rules to assure coordination of their respective programs especially with respect to projects proposed by the group of incorporated cities outside the boundaries of federally approved urban areas, and to encourage the system development of county-city arterials in rural areas.

Sec. 32. Section 20, chapter 49, Laws of 1983 1st ex. sess. and RCW 36.81.121 are each amended to read as follows:

(1) Before July 1st of each year, the legislative authority of each county with the advice and assistance of the county road engineer, and pursuant to one or more public hearings thereon, shall prepare and adopt a comprehensive road program for the ensuing six calendar years. The program shall include proposed road and bridge construction work, and for those counties operating ferries shall also include a separate section showing proposed capital expenditures for ferries, docks, and related facilities. Copies of the program shall be filed with

the county road administration board and with the state secretary of transportation not more than thirty days after its adoption by the legislative authority. The purpose of this section is to assure that each county shall perpetually have available advanced plans looking to the future for not less than six years as a guide in carrying out a coordinated road construction program. The program may at any time be revised by a majority of the legislative authority but only after a public hearing thereon.

(2) The six-year program of each county having an urban area within its boundaries shall contain a separate section setting forth the six-year program for arterial road construction based upon its long-range construction plan and formulated in accordance with regulations of the ~~((urban-arterial))~~ transportation improvement board. The six-year program for arterial road construction shall be submitted to the ~~((urban-arterial))~~ transportation improvement board forthwith after its annual revision and adoption by the legislative authority of each county. The six-year program for arterial road construction shall be based upon estimated revenues available for such construction together with such additional sums as the legislative authority of each county may request for urban arterials ~~((only))~~ from the urban arterial trust account or the transportation improvement account for the six-year period. The arterial road construction program shall provide for a more rapid rate of completion of the long-range construction needs of ~~((major))~~ principal arterial roads than for ~~((secondary))~~ minor and collector arterial roads, pursuant to regulations of the ~~((urban-arterial))~~ transportation improvement board.

(3) Each six-year program forwarded to the secretary in compliance with subsection (1) of this section shall contain information as to how a county will expend its moneys, including funds made available pursuant to chapter 47.30 RCW, for bicycles, pedestrians, and equestrian purposes.

Sec. 33. 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))~~ transportation improvement 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. 34. Section 1, chapter 201, Laws of 1973 1st ex. sess. as last amended by section 3, chapter 192, Laws of 1979 ex. sess. and RCW 44.40.070 are each amended to read as follows:

Prior to October 1st of each even-numbered year all state agencies whose major programs consist of transportation activities, including the department of transportation, the utilities and transportation commission, the ~~((urban-arterial))~~ transportation improvement board, the Washington state patrol, the department of licensing, the traffic safety commission, the county road administration board, and the board of pilotage commissioners, shall adopt or revise, after consultation with the legislative transportation committee, a comprehensive six-year program and financial plan for all transportation activities under each agency's jurisdiction.

The comprehensive six-year program and financial plan shall state the general objectives and needs of each agency's major transportation programs, including workload and performance estimates.

Sec. 35. Section 3, chapter 151, Laws of 1977 ex. sess. and RCW 47.01.031 are each amended to read as follows:

(1) There is created a department of state government to be known as the department of transportation.

(2) All powers, duties, and functions vested by law in the department of highways, the state highway commission, the director of highways, the Washington toll bridge authority, the aeronautics commission, the director of aeronautics, and the canal commission, and the transportation related powers, duties, and functions of the planning and community affairs agency, are transferred to the jurisdiction of the department, except those powers, duties, and functions which are expressly directed elsewhere in this or in any other act of the 1977 legislature.

(3) The ~~((urban arterial board and the))~~ board of pilotage commissioners ~~((are))~~ is transferred to the jurisdiction of the department for ~~((their))~~ its staff support and administration: PROVIDED, That nothing in this section shall be construed as transferring any policy making powers of the ~~((urban arterial board or the))~~ board of pilotage commissioners to the transportation commission or the department of transportation.

Sec. 36. Section 10, chapter 195, Laws of 1971 ex. sess. as amended by section 82, chapter 7, Laws of 1984 and RCW 47.01.240 are each amended to read as follows:

The department and the ~~((urban arterial))~~ transportation improvement board shall coordinate their activities relative to long-range needs studies, in accordance with the provisions of chapter 47.05 RCW and RCW 47.26.170, respectively, in order that long-range needs data may be developed and maintained on an integrated and comparable basis. Needs data for county roads and city streets in nonurban areas shall be provided by the counties and cities to the department in such form and extent as requested by the department, after consultation with the county road administration board and the association of Washington cities, in order that needs data may be obtained on a comparable basis for all highways, roads, and streets in Washington.

Sec. 37. Section 10, chapter 83, Laws of 1967 ex. sess. as last amended by section 153, chapter 7, Laws of 1984 and RCW 47.26.040 are each amended to read as follows:

The term "urban area" means every area of this state designated as an urban area by the department with the approval of the federal secretary of transportation in accordance with federal law, hereafter referred to as federally approved urban areas~~((or areas within incorporated cities))~~.

Sec. 38. Section 14, chapter 83, Laws of 1967 ex. sess. as last amended by section 2, chapter 315, Laws of 1981 and RCW 47.26.080 are each amended to read as follows:

There is hereby created in the motor vehicle fund the urban arterial trust account. All moneys deposited in the motor vehicle fund to be credited to the urban arterial trust account shall be expended for the construction and improvement of city arterial streets and county arterial roads within urban areas~~((for expenses of the urban arterial board;))~~ or for the payment of principal or interest on bonds issued for the purpose of constructing or improving city arterial streets and county arterial roads within urban areas, or for reimbursement to the state, counties, cities, and towns in accordance with RCW 47.26.4252 and 47.26.4254, the amount of any payments made on principal or interest on urban arterial trust account bonds from motor vehicle or special fuel tax revenues which were distributable to the state, counties, cities, and towns.

Sec. 39. Section 15, chapter 83, Laws of 1967 ex. sess. and RCW 47.26.090 are each enacted and amended to read as follows:

The term "arterial" as used in ~~((RCW 47.26.080 through 47.26.290 and 47.26.420 through 47.26.440, 35.77.010 and 36.81.121))~~ this chapter means any state highway, county road, or city street ((so designated in accordance with criteria established by regulations of the urban arterial board)), in an urban area, that is functionally classified by the federal highway administration as a principal arterial, minor arterial, or collector street.

Sec. 40. Section 16, chapter 83, Laws of 1967 ex. sess. and RCW 47.26.100 are each amended to read as follows:

The term "city" as used in this chapter relative to the urban arterial trust account shall include cities and incorporated towns having a population in excess of five thousand.

Sec. 41. Section 19, chapter 83, Laws of 1967 ex. sess. as last amended by section 139, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 47.26.130 are each amended to read as follows:

Members of the ~~((urban arterial))~~ transportation improvement board shall receive no compensation for their services on the board, but shall be reimbursed for travel expenses incurred while attending meetings of the board or while engaged on other business of the board when authorized by the board in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

Sec. 42. Section 20, chapter 83, Laws of 1967 ex. sess. as last amended by section 58, chapter 151, Laws of 1977 ex. sess. and RCW 47.26.140 are each amended to read as follows:

~~((The department of transportation shall furnish necessary staff services and facilities required by the urban arterial board. The cost of such services, together with travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended, of the~~

~~members and all other lawful expenses of the board, shall be paid from the urban arterial trust account in the motor vehicle fund-;)~~ The ~~((urban arterial))~~ transportation improvement board ~~((may))~~ shall appoint an executive ~~((secretary))~~ director, who shall serve at its pleasure and whose salary shall be set by the board ~~((and)), and may employ additional staff as it deems appropriate. All costs associated with staff, together with travel expenses in accordance with RCW 43.03.050 and 43.03.060, shall be paid from the ((urban arterial trust)) transportation improvement account in the motor vehicle fund.~~

Sec. 43. Section 21, chapter 83, Laws of 1967 ex. sess. and RCW 47.26.150 are each reenacted and amended to read as follows:

The ~~((urban arterial))~~ transportation improvement board shall ~~((first meet during the first week of July, 1967. Thereafter the board shall))~~ meet at least once quarterly and upon the call of its chairman and shall from time to time adopt rules and regulations for its own government and as may be necessary for it to discharge its duties and exercise its powers under this chapter.

Sec. 44. Section 22, chapter 83, Laws of 1967 ex. sess. as last amended by section 155, chapter 7, Laws of 1984 and RCW 47.26.160 are each amended to read as follows:

The ~~((urban arterial))~~ transportation improvement board shall:

(1) Adopt rules necessary to implement the provisions of this chapter relating to the allocation of funds ~~((in the urban arterial trust account of the motor vehicle fund))~~ to counties and cities;

(2) Adopt reasonably uniform design standards for city and county arterials that meet the requirements for urban development;

(3) Report biennially on the first day of November of the even-numbered years to the department, the legislative transportation committee, and the house and senate transportation committees regarding progress of cities and counties in developing long-range plans for their urban arterial construction ~~((and)), programming ((or)) of urban arterial construction work, and the allocation of ((urban arterial trust)) funds to the cities and counties.~~

Sec. 45. Section 23, chapter 83, Laws of 1967 ex. sess. as last amended by section 156, chapter 7, Laws of 1984 and RCW 47.26.170 are each amended to read as follows:

The legislative authority of each county or city lying within or having within its boundaries an urban area shall prepare, adopt, and submit to the ~~((urban arterial))~~ transportation improvement board a long-range plan for arterial construction, taking into account the comprehensive land use plan of each such jurisdiction and setting forth arterial construction needs through a ~~((fourteen-year))~~ six-year advance planning period. The long-range arterial construction plans shall be revised by the counties and cities every two years to show the current arterial construction needs through ~~((a fourteen-year))~~ the advanced planning period, and as revised shall be submitted to the ~~((urban arterial))~~ transportation improvement board during the first week of January of every even-numbered year. The long-range plans shall be prepared pursuant to guidelines established by the ~~((urban arterial))~~ transportation improvement board ~~((and with the assistance of the board and the department)).~~ Upon receipt of the long-range arterial construction plans of the several counties and cities, the ~~((urban arterial))~~ transportation improvement board shall revise the construction needs for urban arterials set forth in the plans as necessary to conform with its uniform standards for establishing construction needs of the counties and cities.

Sec. 46. Section 24, chapter 83, Laws of 1967 ex. sess. as last amended by section 8, chapter 122, Laws of 1979 ex. sess. and RCW 47.26.180 are each amended to read as follows:

Arterial designation and classification, as provided for by this chapter, shall be required to be an integral and coordinated portion of its planning process as authorized by chapters 35.63 or 36.70 RCW. The legislative authority of each county and city lying within or having within its boundaries an urban area shall with the advice and assistance of its chief engineer and its planning office divide all of its roads or streets into arterial roads or streets and access roads or streets and shall further subdivide the arterials into three functional classes to be known as principal arterials, minor arterials, and collector arterials: PROVIDED, That incorporated cities lying outside federally approved urban areas shall not be required to subdivide arterials into functional classes. Upon receipt of the classification plans of the several counties and cities, the ~~((urban arterial))~~ transportation improvement board shall review and revise the classification for the urban arterials as necessary to conform with (1) existing designated federal route classifications, or (2) uniform classification standards established by the ~~((urban arterial))~~ transportation improvement board.

Sec. 47. Section 4, chapter 253, Laws of 1975 1st ex. sess. as amended by section 157, chapter 7, Laws of 1984 and RCW 47.26.185 are each amended to read as follows:

The ~~((urban arterial))~~ transportation improvement board may adopt rules establishing qualifications for cities and counties administering and supervising the design and construction of ~~((urban arterial))~~ projects financed in part from the urban arterial trust account or the transportation improvement account. The rules establishing qualification shall take into account the resources and population of the city or county, its permanent engineering staff, its design and construction supervision experience, and other factors the board deems appropriate. Any city or county failing to meet the qualifications established by the board for administering and

supervising ~~((an urban arterial))~~ a project shall contract with a qualified city or county or the department for the administration and supervision of the design and construction of any approved ~~((urban arterial))~~ project as a condition for receiving ~~((urban arterial trust))~~ account funds for the project.

Sec. 48. Section 25, chapter 83, Laws of 1967 ex. sess. as last amended by section 4, chapter 315, Laws of 1981 and RCW 47.26.190 are each amended to read as follows:

(1) At the beginning of each biennium for the urban arterial trust account, the transportation improvement board shall establish apportionment percentages for the five regions defined in RCW 47.26.050 in the following manner ~~((prescribed in RCW 47.26.060 for that biennium; except calculations of needs shall be based upon a projection of category A needs for the ensuing six year period as determined by the department of transportation))~~:

(a) One-third in the ratio which the population of the urban areas of each region bears to the total population of all of the urban areas of the state as last determined by the office of financial management;

(b) One-third in the ratio which the vehicle to mile ratio traveled on the classified arterial system prescribed in RCW 47.26.180, within the urban areas of each region bears to the total vehicle to mile ratio traveled on all classified urban arterials; and

(c) One-third in the ratio which the city and county urban arterial needs within the urban areas of each region bears to the total urban arterial needs on city and county urban arterials within all urban areas of the state as last revised by the transportation improvement board.

Except as otherwise provided in subsection (3) of this section, such apportionment percentages shall be used once each calendar quarter by the ~~((urban arterial))~~ transportation improvement board to apportion funds credited to the urban arterial trust account which are available for expenditure for urban arterial projects ~~((PROVIDED, That))~~. Any funds ~~((apportioned to a region and expended for a project which was initially authorized by the urban arterial board in a biennium prior to the 1981-1983 biennium will be apportioned in accordance with apportionment percentages for the five regions which were established in the prior biennium))~~ credited to the urban arterial trust account subsequent to July 1, 1987, resulting from bond sales in accordance with RCW 47.26.420 through 47.26.427 shall be apportioned according to the percentages for the five regions established for the biennium when the bonding authority was obligated to projects by the urban arterial board.

(2) All amounts credited to the urban arterial trust account resulting from series III bond sales in accordance with RCW 47.26.420 through 47.26.427, ~~((except those provided for in subsection (3) of this section and except proceeds from the sale of first authorization bonds and any excise tax revenues that may be required to repay the three series of urban arterial bonds or the interest thereon when due))~~ after apportionment to each region, shall be divided on the basis of relative population established at the beginning of each biennium by the office of financial management between (a) the group of cities and that portion of those counties within federally approved urban areas and (b) the group of incorporated cities outside the boundaries of federally approved urban areas; ~~PROVIDED, That funds credited to the urban arterial trust account subsequent to July 1, 1987, resulting from the sale of bonds in accordance with RCW 47.26.420 through 47.26.427 shall be divided on the basis of relative population percentages established for the biennium when the bonding authority was obligated to projects by the urban arterial board.~~ Within each region, funds divided between the groups identified under (a) and (b) ~~((above))~~ of this subsection shall then be allocated by the ~~((urban arterial))~~ transportation improvement board to incorporated cities and counties, as the case may be, for the construction of specific urban arterial projects in accordance with the procedures set forth in RCW 47.26.240.

~~((3) At the beginning of each biennium the urban arterial board shall establish apportionment percentages for each of the five regions for the apportionment of the proceeds from the sale of fifteen million dollars of series II bonds and sixteen million dollars of series III bonds authorized by RCW 47.26.420, as now or hereafter amended, in the ratio which the population of the incorporated cities and towns lying outside the boundaries of federally approved urban areas of each region bears to the total population of all incorporated cities and towns of the state lying outside the boundaries of federally approved urban areas, as such populations are determined at the beginning of each biennium by the office of financial management. Such apportionment percentages shall be used once each calendar quarter by the urban arterial board to apportion funds credited to the urban arterial trust account which are available for expenditure for urban arterial projects under this subsection. PROVIDED, That any funds apportioned to a region and expended for a project which was initially authorized by the urban arterial board in a biennium prior to the 1981-1983 biennium will be apportioned in accordance with apportionment percentages for the five regions which were established in the prior biennium. Funds apportioned to each region shall be allocated by the urban arterial board to incorporated cities lying outside the boundaries of federally approved urban areas, for the construction of specific urban arterial projects in accordance with the procedures set forth in RCW 47.26.240.))~~

Sec. 49. Section 28, chapter 83, Laws of 1967 ex. sess. and RCW 47.26.220 are each amended to read as follows:



Counties and cities, in preparing their respective six year programs relating to urban arterial improvements to be funded by the urban arterial trust account, shall select specific priority improvement projects for each functional class of arterial based on the rating of each arterial section proposed to be improved in relation to other arterial sections within the same functional class, taking into account the following:

- (1) Its structural ability to carry loads imposed upon it;
- (2) Its capacity to move traffic at reasonable speeds without undue congestion;
- (3) Its adequacy of alignment and related geometrics;
- (4) Its accident experience; and
- (5) Its fatal accident experience.

The six year construction programs shall remain flexible and subject to annual revision as provided in RCW 36.81.121 and 35.77.010.

Sec. 50. Section 29, chapter 83, Laws of 1967 ex. sess. as amended by section 158, chapter 7, Laws of 1984 and RCW 47.26.230 are each amended to read as follows:

Whenever an urban arterial in a city crosses into an unincorporated urban area or into an adjacent city, the proper city and county officials shall jointly plan the development of the arterial in their respective long-range plans, arterial classification plans, and six-year construction programs. Whenever an urban arterial connects with and will be substantially affected by a programmed construction project on a state highway, the proper county or city officials shall jointly plan the development of the connecting arterial with the appropriate department of transportation district administrator. The ~~((urban arterial))~~ transportation improvement board shall adopt rules providing for the system development of county-city arterials and urban arterials with state highways.

Sec. 51. Section 30, chapter 83, Laws of 1967 ex. sess. as amended by section 15, chapter 317, Laws of 1977 ex. sess. and RCW 47.26.240 are each amended to read as follows:

Upon receipt of a county's or city's revised six year program, the ~~((urban arterial))~~ transportation improvement board as soon as practicable shall review and may revise the construction program as it relates to urban arterials for which urban arterial trust account moneys are requested as necessary to conform to (1) the priority rating of the proposed project, based upon the factors in RCW 47.26.220, in relation to proposed projects in all other urban arterial construction programs submitted by the cities and counties ~~(-and within each region, projects proposed by the group of cities and counties within federally approved urban areas shall be evaluated separately from the projects proposed by the group of incorporated cities outside the boundaries of federally approved urban areas)~~ in the same region; and (2) the amount of urban arterial trust account funds which the ~~((urban arterial))~~ transportation improvement board estimates will be apportioned to the region, and further divided between the group of cities and counties within federally approved urban areas and the group of incorporated cities outside the boundaries of federally approved urban areas, in the ensuing six year period.

Sec. 52. Section 32, chapter 83, Laws of 1967 ex. sess. as amended by section 1, chapter 126, Laws of 1973 1st ex. sess. and RCW 47.26.260 are each amended to read as follows:

(1) Upon completion of a preliminary proposal, the county or city submitting said proposal shall submit to the ~~((urban arterial))~~ transportation improvement board its voucher for payment of the urban arterial trust account or transportation improvement account, both hereinafter referred to in this section as account, share of the cost. Upon the completion of an approved ~~((urban arterial))~~ construction project, the county or city constructing the project shall submit to the ~~((urban arterial))~~ transportation improvement board its voucher for the payment of the ~~((trust))~~ appropriate account share of the cost. The chairman of the ~~((urban arterial))~~ transportation improvement board or his designated agent shall approve such voucher when proper to do so, for payment from the ~~((urban arterial trust))~~ appropriate account to the county or city submitting the voucher.

(2) The ~~((urban arterial))~~ transportation improvement board may adopt regulations providing for the approval of payments of funds in the ~~((urban arterial trust))~~ account to a county or city for costs of preliminary proposal, and costs of construction of an approved project from time to time as work progresses. These payments shall at no time exceed the ~~((urban arterial trust))~~ account share of the costs of construction incurred to the date of the voucher covering such payment.

Sec. 53. Section 33, chapter 83, Laws of 1967 ex. sess. as last amended by section 22, chapter 49, Laws of 1983 1st ex. sess. and RCW 47.26.270 are each amended to read as follows:

Counties and cities receiving funds from the urban arterial trust account for construction of arterials shall provide such matching funds as shall be established by regulations ~~((recommended))~~ adopted by the ((urban arterial)) transportation improvement board ((subject to review, revision, and final approval by the state transportation commission)). Matching requirements shall be established after appropriate studies by the board taking into account (1) financial resources available to counties and cities to meet arterial needs, (2) the amounts and percentages of funds available for road or street construction traditionally expended by counties and cities on arterials, (3) in the case of counties, the relative needs of arterials lying

outside urban areas, and (4) the requirements necessary to avoid diversion of funds traditionally expended for arterial construction to other street or road purposes or to nonhighway purposes: PROVIDED HOWEVER, That for projects funded subsequent to July 1, 1977, cities and counties may use as matching funds any moneys received from any source, except such moneys which by law may not be used for the purposes set forth in this chapter.

Sec. 54. Section 2, chapter 141, Laws of 1974 ex. sess. and RCW 47.26.305 are each amended to read as follows:

Each city and county eligible for receipt of urban arterial trust funds is hereby authorized and directed to establish a system of bicycle routes throughout its jurisdiction. Such routes shall, when established in accordance with standards adopted by the ~~((urban arterial))~~ transportation improvement board, be eligible for establishment, improvement, and upgrading with urban arterial trust funds when accomplished in connection with an arterial project.

Sec. 55. Section 3, chapter 141, Laws of 1974 ex. sess. as amended by section 160, chapter 7, Laws of 1984 and RCW 47.26.310 are each amended to read as follows:

~~((Prior to July 1, 1974.))~~ The ~~((urban arterial))~~ transportation improvement board shall adopt:

(1) Standards for the designation of a bicycle route system which shall include, but need not be limited to, consideration of:

(a) Existing and potential bicycle traffic generating activities, including but not limited to places of employment, schools, colleges, shopping areas, and recreational areas;

(b) Directness of travel and distance between potential bicycle traffic generating activities; and

(c) Safety for bicyclists and avoidance of conflict with vehicular traffic which shall include, wherever feasible, designation of bicycle routes on streets parallel but adjacent to existing designated urban arterial routes.

(2) Insofar as is practicable to achieve reasonable uniformity, design standards for bicycle routes shall take into consideration the construction standards and signing system devised by the department pursuant to RCW 47.30.060.

Sec. 56. Section 10, chapter 315, Laws of 1981 as amended by section 24, chapter 49, Laws of 1983 1st ex. sess. and RCW 47.26.4254 are each amended to read as follows:

(1) Any funds required to repay series III bonds authorized by RCW 47.26.420, or the interest thereon, when due shall first be taken from that portion of the motor vehicle fund that results from the imposition of excise taxes on motor vehicle and special fuels imposed by chapters 82.36, 82.37, and 82.38 RCW and that is distributed to the urban arterial trust account in the motor vehicle fund, subject, however, to the prior lien of the first authorization of bonds authorized by RCW 47.26.420. If the moneys so distributed to the urban arterial trust account, after first being applied to administrative expenses of the ~~((urban arterial))~~ transportation improvement board and to the requirements of bond retirement and payment of interest on first authorization bonds and series II bonds as provided in RCW 47.26.425 and 47.26.4252, are insufficient to meet the requirements for bond retirement or interest on any series III bonds, the amount required to make such payments on series III bonds or interest thereon shall next be taken from that portion of the motor vehicle fund that results from the imposition of excise taxes on motor vehicle and special fuels and that is distributed to the state, counties, cities, and towns pursuant to RCW 46.68.100, subject, however, to subsection (2) of this section.

(2) To the extent that moneys so distributed to the urban arterial trust account are insufficient to meet the requirements for bond retirement or interest on any series III bonds, sixty percent of the amount required to make such payments when due shall first be taken from that portion of the motor vehicle fund that results from the imposition of excise taxes on motor vehicle and special fuels and that is distributed to the state. The remaining forty percent shall first be taken from that portion of the motor vehicle fund that results from the imposition of excise taxes on motor vehicle and special fuels and that is distributed to the cities and towns pursuant to RCW 46.68.100(1) and to the counties pursuant to RCW 46.68.100(2). Of the counties', cities', and towns' share of any additional amounts required in the fiscal year ending June 30, 1984, fifteen percent shall be taken from the counties' distributive share and eighty-five percent from the cities' and towns' distributive share. Of the counties', cities', and towns' share of any additional amounts required in each fiscal year thereafter, the percentage thereof to be taken from the counties' distributive share and from the cities' and towns' distributive share shall correspond to the percentage of funds authorized for specific county projects and for specific city and town projects, respectively, from the proceeds of series III bonds, for the period through the first eleven months of the prior fiscal year as determined by the chairman of the ~~((urban arterial))~~ transportation improvement board and reported to the state finance committee and the state treasurer not later than the first working day of June.

(3) Any payments on such bonds or interest thereon taken from motor vehicle or special fuel tax revenues that are distributable to the state, counties, cities, and towns shall be repaid from the first moneys distributed to the urban arterial trust account not required for redemption of the first authorization bonds, series II bonds, or series III bonds or interest on these bonds.

Sec. 57. Section 53, chapter 83, Laws of 1967 ex. sess. as amended by section 12, chapter 315, Laws of 1981 and RCW 47.26.430 are each amended to read as follows:

Notwithstanding the provisions of RCW 47.26.190 and 47.26.240, the ~~((urban arterial))~~ transportation improvement board may, in any biennium, subject to proper appropriations, approve expenditures from the urban arterial trust account for construction of projects on urban arterials within a region, the total amount of which including bond proceeds, exceeds the amount apportionable during the biennium to the region. The total amounts apportioned to each region through ~~((1996))~~ 1995 shall meet the apportionment requirements of RCW 47.26.190 and 47.26.240 for such period.

Sec. 58. Section 54, chapter 83, Laws of 1967 ex. sess. as amended by section 163, chapter 7, Laws of 1984 and RCW 47.26.440 are each amended to read as follows:

Not later than November 1st of each even-numbered year the ~~((urban arterial))~~ transportation improvement board shall prepare and present to the commission ~~((a recommended))~~ an adopted budget for expenditures from the urban arterial trust account and the transportation improvement account during the ensuing biennium. The budget shall contain an estimate of the revenues to be credited to the urban arterial trust account and the transportation improvement account and the amount, if any, of bond proceeds which the board determines should be made available to the urban arterial trust account through the sale of bonds in the ensuing biennium.

The commission shall ~~((review the budget as recommended, revise the budget as it deems proper, and))~~ include the budget for the ~~((urban arterial))~~ transportation improvement board ~~((as revised))~~ as a separate section of the transportation budget which it shall submit to the governor and the legislature at the time of its convening.

Sec. 59. Section 6, chapter 171, Laws of 1969 ex. sess. as amended by section 3, chapter 126, Laws of 1973 1st ex. sess. and RCW 47.26.450 are each amended to read as follows:

At the time the ~~((urban arterial))~~ transportation improvement board reviews the six-year program of each county and city each even-numbered year, it shall consider and shall approve for inclusion in its recommended budget, as required by RCW 47.26.440, the portion of the urban arterial construction program scheduled to be performed during the biennial period beginning the following July 1st. Subject to the appropriations actually approved by the legislature, the board shall as soon as feasible approve urban arterial trust account funds to be spent during the ensuing biennium for preliminary proposals in priority sequence as established pursuant to RCW 47.26.240. The board shall authorize urban arterial trust account funds for the construction project portion of a project previously authorized for a preliminary proposal in the sequence in which the preliminary proposal has been completed and the construction project is to be placed under contract. At such time the board may reserve urban arterial trust account funds for expenditure in future years as may be necessary for completion of preliminary proposals and construction projects to be commenced in the ensuing biennium.

The ~~((urban arterial))~~ transportation improvement board may, within the constraints of available urban arterial trust funds, consider additional projects for authorization upon a clear and conclusive showing by the submitting local government that the proposed project is of an emergent nature and that its need was unable to be anticipated at the time the six-year program of the local government was developed. Such proposed projects shall be evaluated on the basis of the priority rating factors specified in RCW 47.26.220.

Sec. 60. Section 7, chapter 171, Laws of 1969 ex. sess. and RCW 47.26.460 are each amended to read as follows:

Whenever the board approves ~~((an urban arterial))~~ a project it shall determine the amount of ~~((urban arterial trust account))~~ funds to be allocated for such project. The allocation shall be based upon information contained in the six-year plan submitted by the county or city seeking approval of the project and upon such further investigation as the board deems necessary. The board shall adopt reasonable regulations pursuant to which urban arterial trust account funds allocated to a project may be increased upon a subsequent application of the county or city constructing the project. The regulations adopted by the board shall take into account, but shall not be limited to, the following factors: (1) The financial effect of increasing the original allocation for the project upon other ~~((urban arterial))~~ projects either approved or requested; (2) whether the project for which an additional allocation is requested can be reduced in scope while retaining a usable segment; (3) whether the original cost of the project shown in the applicant's six-year program was based upon reasonable engineering estimates; and (4) whether the requested additional allocation is to pay for an expansion in the scope of work originally approved.

NEW SECTION. Sec. 61. The following acts or parts of acts are each repealed:

- (1) Section 2, chapter 5, Laws of 1979 and RCW 47.26.085;
- (2) Section 18, chapter 83, Laws of 1967 ex. sess., section 1, chapter 171, Laws of 1969 ex. sess., section 8, chapter 85, Laws of 1971 ex. sess., section 3, chapter 315, Laws of 1981, section 1, chapter 209, Laws of 1982 and RCW 47.26.120;
- (3) Section 3, chapter 253, Laws of 1975 1st ex. sess. and RCW 47.26.183;
- (4) Section 4, chapter 267, Laws of 1975 1st ex. sess., section 1, chapter 214, Laws of 1977 ex. sess., section 163, chapter 151, Laws of 1979 and RCW 47.26.281; and
- (5) Section 35, chapter 83, Laws of 1967 ex. sess., section 159, chapter 7, Laws of 1984 and RCW 47.26.290.

**NEW SECTION.** Sec. 62. References in the Revised Code of Washington to the urban arterial board shall be construed to mean the transportation improvement board.

**NEW SECTION.** Sec. 63. All rules and all pending business before the urban arterial board shall be continued and acted upon by the transportation improvement board. All existing contracts and obligations of the urban arterial board shall remain in full force and shall be performed by the transportation improvement board."

Renumber the sections consecutively and correct internal references accordingly.

Debate ensued.

#### POINT OF ORDER

Senator West: "Mr. President, a point of order. I believe this amendment expands the scope and object of the title. The title does not in any way mention Chapter 47 and this amendment requires a broad expansion to bring in Chapter 47 in many different places. Somebody looking at the title before the committee would have no idea at all that this tax was being contemplated by the committee or by the Legislature and, therefore, I believe it is beyond the scope and object of the title."

Further debate ensued.

#### MOTION

On motion of Senator Vognild, further consideration of the amendment by Senators Bottiger, Bender and Bluechel was deferred.

President Pro Tempore Rasmussen assumed the chair.

#### MOTION

Senator Barr moved that the following amendment by Senators Barr, Craswell and Tanner be adopted:

On page 15, after line 2, strike all material down through line 24 on page 20 and insert the following:

"Sec. 11. 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 82.44.076)), 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), 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). A sum equal to seventeen percent thereof shall be paid to cities and towns in the proportions and for the purposes hereinafter set forth; and 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, 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.47.769 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.

(9) Ninety-seven percent of any amount collected on behalf of a municipality under RCW 35.58.273 that is not distributed to the municipality under this section shall be transferred to the Puget Sound ferry operations account. The remaining three percent shall be held in the general fund to make adjustments required under RCW 82.44.150(6). Any moneys remaining after the adjustments shall revert to the Puget Sound ferry operations account. If the adjustments required are greater than the reserve amount, the distribution to the Puget Sound ferry operations account in the next ensuing quarter shall be decreased accordingly."

Renumber the sections consecutively and correct internal references accordingly.

Debate ensued.

Senator Talmadge demanded a roll call and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be the roll call on adoption of the amendment by Senators Barr, Craswell and Tanner.

## ROLL CALL

The Secretary called the roll and the motion by Senator Barr failed and the amendment was not adopted by the following vote: Yeas, 10; nays, 35; excused, 4.

Voting yea: Senators Barr, Craswell, Garrett, Hansen, Johnson, Rasmussen, Smitherman, Tanner, von Reichbauer, Williams - 10.

Voting nay: Senators Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, DeJarnatt, Fleming, Gaspard, Halsan, Hayner, Kreidler, McCaslin, McDermott, McDonald, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rinehart, Saling, Sellar, Stratton, Talmadge, Vognild, Warnke, West, Wojahn, Zimmerman - 35.

Excused: Senators Deccio, Kiskaddon, Lee, Metcalf - 4.

President Cherberg assumed the chair.

There being no objection, the Senate resumed consideration of the amendment by Senators Bottiger, Bender and Bluechel, deferred earlier today.

## RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator West, the President finds that Substitute Senate Bill No. 6016 is a measure increasing vehicle registration fees, increasing drivers license abstract fees, increasing the motor vehicle excise tax for ferry operations, transferring certain motor vehicle excise tax funds to ferry operations and exempting ferry fuel from sales taxes.

"The amendment proposed by Senators Bottiger, Bender and Bluechel raises the motor vehicle fuel tax, provides a distribution formula for the funds raised by the gas tax increase and provides for a transportation improvement board for local interest state transportation projects to replace the urban arterial board.

"The President, therefore, finds that the proposed amendment does change the scope and object of the bill and that the point of order is well taken."

The amendment by Senators Bottiger, Bender and Bluechel was ruled out of order.

## MOTION

On motion of Senator Talmadge, the following title amendments were considered simultaneously and adopted:

On page 1, line 2 after ".070," strike everything down through and including ".505," on line 3

On page 1, line 4 after "RCW" strike "77.12.201,"

## MOTION

On motion of Senator Bender, the rules were suspended, Engrossed Substitute Senate Bill No. 6016 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 6016.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 6016 and the bill passed the Senate by the following vote: Yeas, 25; nays, 20; excused, 4.

Voting yea: Senators Anderson, Bauer, Bender, Bluechel, Bottiger, Conner, DeJarnatt, Halsan, Hansen, Hayner, Kreidler, McDonald, Nelson, Owen, Patterson, Peterson, Sellar, Smitherman, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Zimmerman - 25.

Voting nay: Senators Bailey, Barr, Benitz, Cantu, Craswell, Fleming, Garrett, Gaspard, Johnson, McCaslin, McDermott, Moore, Newhouse, Pullen, Rasmussen, Rinehart, Saling, Stratton, Tanner, Wojahn - 20.

Excused: Senators Deccio, Kiskaddon, Lee, Metcalf - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6016, having received the 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 READING

SENATE BILL NO. 6076, by Senator Peterson

Relating to transportation appropriations.

## MOTIONS

On motion of Senator Vognild, Substitute Senate Bill No. 6076 was substituted for Senate Bill No. 6076 and the substitute bill was placed on second reading and read the second time.

Senator Nelson moved that the following amendments be considered simultaneously and adopted:

On page 5, line 17, strike "\$4,007,809" and insert "\$4,985,809"

On page 5, line 18, strike "\$13,078,507" and insert "\$14,203,496"

On page 5, line 19, strike "\$17,090,430" and insert "\$19,193,419"

On page 5, line 22, after "(1)" strike all material through line 24, and insert "\$1,956,000 is provided for the vehicle/driver integration project."

Debate ensued.

## PARLIAMENTARY INQUIRY

Senator West: "Mr. President, Rule 52 states 'no amendment to the budget or supplemental budget not incorporated in the bill shall be adopted except by affirmative vote of 60% of the Senators elected.' There is no designation in the rule about whether we are talking about the operating budget, the capital budget, the transportation budget, or any other budget that might come out before the Senate. My inquiry to the President is, does that rule speak to this amendment also requiring a 60%, or is this a simple majority?"

## REMARKS BY SENATOR PULLEN

Senator Pullen: "I think Senator West has raised a very, very interesting question, but I think if the President takes a look at Rule 52, I think the key words are in the clause 'not incorporated in the bill as reported by the Ways and Means Committee.' It would seem to me that implicit in that clause is the fact that we are talking about the general operating budgets and budgets that are funded out of state general funds. Those are measures that would go through the Ways and Means Committee. It would seem to me that if this rule were intended to apply to transportation budgets, then we would have made some reference to the Transportation Committee. Only the Ways and Means Committee is referenced in Rule 52. Therefore, I would submit that the intent behind the rule was that it not apply to transportation budgets."

## REPLY BY THE PRESIDENT

President Cherberg: "The President believes that Senator Pullen's opinion is well taken and that the amendments will require a simple majority to be adopted." Senator Nelson demanded a roll call and the demand was sustained. Further debate ensued.

## POINT OF INQUIRY

Senator Pullen: "Senator Nelson, is the Information Services Division a funded agency? In other words, does it receive an appropriation from the Legislature or is it one of those agencies that receives its funding through fees and charges that it makes to its customers?"

Senator Nelson: "It is in a division of the Department of Licensing that, as you will see on page 5 of the appropriation measure before us, comes out of the multiple appropriations, but, in this case, the motor vehicle fuel fund supports approximately two-thirds of the Department, the highway safety fund is about another three-fifths and then the game fund also contributes to this Department. So, you are looking at the total funding, per se, going into the Department of Licensing. There is no special appropriation for this particular Information Services Division."

The President declared the question before the Senate to be the roll call on adoption of the amendments by Senator Nelson.

## ROLL CALL

The Secretary called the roll and the motion by Senator Nelson failed and the amendments were not adopted by the following vote: Yeas, 20; nays, 25; excused, 4.

Voting yea: Senators Anderson, Bailey, Bender, Benitz, Bluechel, Craswell, Garrett, Halsan, Johnson, Kreidler, Moore, Nelson, Patterson, Peterson, Pullen, Sellar, Talmadge, Tanner, West, Zimmerman - 20.

Voting nay: Senators Barr, Bauer, Bottiger, Cantu, Conner, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, McCaslin, McDermott, McDonald, Newhouse, Owen, Rasmussen, Rinehart, Saling, Smitherman, Stratton, Vogndil, von Reichbauer, Warnke, Williams, Wojahn - 25.

Excused: Senators Deccio, Kiskaddon, Lee, Metcalf - 4.

#### MOTION

Senator McDermott moved that the following amendment be adopted:

On page 7, line 8, after ".030" insert ": PROVIDED, That none of the funds in this section may be used for a study of the possible widening of the Portage Bay Bridge"

Debate ensued.

#### POINT OF INQUIRY

Senator Newhouse: "Senator McDermott, would the wording of your amendment allow them to double deck the Portage Bay Bridge?"

Senator McDermott: "Senator Newhouse, I have no doubt that the highway department would have the decks ten decks high if they could figure out how to do it. It would be just like the convention center over the freeway. It will have the same kind of clogs, the same kind of engineering problems. You are going through a cut that is very narrow. It's about 150 feet in the air already. There 'ain't no cheap way' to do this and you're talking a billion dollars in that project by the time you are all done for sure."

Further debate ensued.

#### POINT OF INQUIRY

Senator Fleming: "Senator McDonald, if this amendment is adopted and, of course, I realize you said with the traffic going the other way, it would affect your district, but recognizing the fact that if you stayed over there on that side of the water and worked over there, you wouldn't have to come over and screw up those streets in Seattle. Be that as it may, would you be opposed to a head tax?"

Senator McDonald: "A head tax?"

Senator Fleming: "Well, to help pay for those streets and stuff that you are messing up when you come into Seattle."

Senator McDonald: "There are some who have never seen a tax they didn't like. There are taxes, I guess, that are appropriate and some that are inappropriate. I certainly would join with you in studying any kind of tax that you want to. I may not be one with you when we come out to vote for it."

The President declared the question before the Senate to be adoption of the amendment by Senator McDermott.

The motion by Senator McDermott carried and the amendment was adopted.

#### MOTION

Senator Fleming moved that the following amendment be adopted:

On page 7, after line 33, insert a new subsection (3) and renumber the remaining subsection accordingly.

"(3) The department shall develop a design plan using federal discretionary funds made available under subsection (2) above to develop a design plan, prior to the completion of the I-90 project, that accommodates access to and from I-90 for those neighborhoods listed in the Washington State Transportation Commission Resolution No. 296; which design is consistent with the existing I-90 design and which can be constructed upon completion of the present I-90 project."

Debate ensued.

#### POINT OF INQUIRY

Senator Cantu: "Senator Fleming, I am just trying to understand the amendment, because some of the comments you have made pertain to a study. I could read a design plan to be interpreted to mean a complete design--workings, drawings, specifications--which can be very expensive, usually running from six to ten percent of the total project. I am wondering if the intent is to have a design plan for all of the exits or is it more in light of a study that takes a look at options and access and so on?"



Senator Fleming: "Well, it's a study and design. You take a look at the options and try to come up with the best options and design to make this possible. I will share with you some of the resolutions that were adopted. It says, 'Whereas, planning for proposed access modifications to the I-90 project to accommodate affected central Seattle neighborhoods requires early project analysis, including but not limited to the determination of feasibility of access routes, the identification of alternate access routes; assessment of direct and program costs, public involvement, possible funding sources' and so forth and so on."

Senator Cantu: "Thank you. Then it really is not your intent to have the complete design done--a complete set of design plans? It's more of a study looking at options rather than a complete set of workings, drawings and specifications?"

Senator Fleming: "Well, you are probably the expert, not me. What I am asking for is one, that you study, that you look, that you determine the feasibility. You, hopefully will, at some point in time, do a design. At some point in time, soon after it's completed, make some effort to do the most feasible effort in putting access on to and off of I-90."

Senator Cantu: "Thank you, Senator Fleming. I was not attempting to do anything other than get a clarification so that the Department does not interpret this to mean that they should go ahead now and proceed with a design of all that work. It's come back, look at the option, look at the points where it's reasonable to have ingress and egress off of I-90. I agree with you, you've got to get that traffic out, you've got to get it on as well. I just wanted to make sure that the interpretation was not one of a march out and do the entire project in terms of the design part, but that this is the first step."

Senator Fleming: "Senator, what it also says is that the Department of Transportation is to provide implementation and construction of access modifications, if approved. 'If approved,' Senator, and that's within the resolution."

The President declared the question before the Senate to be the adoption of the amendment by Senator Fleming.

The motion by Senator Fleming carried and the amendment was adopted.

#### MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator McDonald moved to reconsider the vote by which the amendments by Senator Nelson on page 5, lines 17, 18 and 22 were not adopted earlier today.

The President declared the question before the Senate to be the motion by Senator McDonald to reconsider the vote by which the amendments by Senator Nelson failed to be adopted earlier today.

The motion by Senator McDonald carried and the Senate resumed consideration of the amendments by Senator Nelson on page 5, lines 17, 18 and 22, on reconsideration.

Debate ensued.

The President declared the question before the Senate to be adoption of the amendments by Senator Nelson on page 5, lines 17, 18 and 22, on reconsideration.

The amendments were adopted on reconsideration.

#### MOTION

Senator Vognild moved that the following amendment be adopted:

On page 15, line 30, after "to" strike "one percentage point less than"

Debate ensued.

Senator Bender demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator Vognild.

#### ROLL CALL

The Secretary called the roll and the motion by Senator Vognild failed and the amendment was not adopted by the following vote: Yeas, 22; nays, 23; excused, 4.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, DeJamatt, Fleming, Garrett, Gaspard, Halsan, Kreidler, McDermott, Moore, Peterson, Rasmussen, Rinehart, Smitherman, Talmadge, Tanner, Vognild, Warnke, Williams, Wojahn - 22.

Voting nay: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Hansen, Hayner, Johnson, McCaslin, McDonald, Nelson, Newhouse, Owen, Patterson, Pullen, Saling, Sellar, Stratton, von Reichbauer, West, Zimmerman - 23.

Excused: Senators Deccio, Kiskaddon, Lee, Metcalf - 4.

#### MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Sellar moved to reconsider the vote by which the amendment by Senator McDermott on page 7, line 8, was adopted earlier today.

Debate ensued.

Senator McDermott demanded a roll call and the demand was sustained.

Further debate ensued.

The President declared the question before the Senate to be the roll call on the motion to reconsider the vote by which the amendment by Senator McDermott on page 7, line 8, was adopted earlier today.

#### ROLL CALL

The Secretary called the roll and the motion by Senator Sellar failed and the Senate did not reconsider the amendment by Senator McDermott by the following vote: Yeas, 17; nays, 28; excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Hayner, Johnson, McDonald, Nelson, Owen, Pullen, Sellar, von Reichbauer, West, Zimmerman - 17.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kreidler, McCaslin, McDermott, Moore, Newhouse, Patterson, Peterson, Rasmussen, Rinehart, Saling, Smitherman, Stratton, Talmadge, Tanner, Vogt, Warnke, Williams, Wojahn - 28.

Excused: Senators Deccio, Kiskaddon, Lee, Metcalf - 4.

#### MOTION

On motion of Senator Zimmerman, Senator Craswell was excused.

#### MOTIONS

On motion of Senator Williams, the following amendment was adopted:  
On page 23, line 20, after "committee" insert "and the state capitol committee"

On motion of Senator Tanner, the following amendments were considered simultaneously and adopted:

On page 3, line 14, strike "\$37,125,323" and insert "\$37,977,342"

On page 3, line 16, strike "\$37,519,217" and insert "\$38,371,236"

On page 3, line 27, after "(4)" strike all material through line 28, and insert "Moneys are provided for relocation of offices."

On page 4, line 20, strike "\$3,785,108" and insert "\$3,894,744"

On page 4, line 21, strike "\$10,411,989" and insert "\$10,521,625"

On page 4, line 32, after "(2)" strike all material through line 33, and insert "Moneys are provided for relocation of offices."

On page 5, line 18, strike "\$13,078,507" and insert "\$13,225,496"

On page 5, line 19, strike "\$17,090,430" and insert "\$17,237,419"

On page 5, line 29, after "(4)" strike all material through line 30, and insert "Moneys are provided for relocation of offices."

#### MOTION

On motion of Senator Bender, the rules were suspended, Engrossed Substitute Senate Bill No. 6076 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 6076.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 6076 and the bill passed the Senate by the following vote: Yeas, 35; nays, 8; absent, 1; excused, 5.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, DeJarnatt, Fleming, Gaspard, Halsan, Hansen, Hayner, Johnson, Kreidler, McDonald,

Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognlid, von Reichbauer, West, Zimmerman - 35.

Voting nay: Senators Bottiger, Garrett, McCaslin, Moore, Rinehart, Warnke, Williams, Wojahn - 8.

Absent: Senator McDermott - 1.

Excused: Senators Craswell, Deccio, Kiskaddon, Lee, Metcalf - 5.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6076, having received the 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 Senator Vognlid, Engrossed Substitute Senate Bill No. 6076 was ordered immediately transmitted to the House of Representatives.

#### SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 477, by Committee on Ways and Means (originally sponsored by Representatives J. King, Brooks, McMullen, Crane, Appelwick, Brekke, Lux, Locke, Grimm, Wang, Unsoeld, Jacobsen, Moyer, Leonard, Sprengle and Todd)

Enacting the health care access act of 1987.

The bill was read the second time.

#### MOTION

Senator McDermott moved that the following amendment be adopted:

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 health care access act of 1987.

NEW SECTION. Sec. 2. The legislature reserves the right to amend or repeal all or any part of this chapter at any time and there shall be no vested private right of any kind against such amendment or repeal. All the rights, privileges, or immunities conferred by this chapter or any acts done pursuant thereto shall exist subject to the power of the legislature to amend or repeal this chapter at any time.

NEW SECTION. Sec. 3. (1) The legislature finds that:

(a) A significant percentage of the population of this state does not have reasonably available insurance or other coverage of the costs of necessary basic health care services;

(b) This lack of basic health care coverage is detrimental to the health of the individuals lacking coverage and to the public welfare, and results in substantial expenditures for emergency and remedial health care, often at the expense of health care providers, health care facilities, and all purchasers of health care, including the state; and

(c) The use of managed health care systems has significant potential to reduce the growth of health care costs incurred by the people of this state generally, and by low-income pregnant women who are an especially vulnerable population, along with their children, and who need greater access to managed health care.

(2) The purpose of this chapter is to provide necessary basic health care services in an appropriate setting to working persons and others who lack coverage, at a cost to these persons that does not create barriers to the utilization of necessary health care services. To that end, this chapter establishes a program to be made available to those residents under sixty-five years of age not otherwise eligible for medicare with gross family income at or below two hundred percent of the federal poverty guidelines who share in the cost of receiving basic health care services from a managed health care system.

(3) It is not the intent of this chapter to provide health care services for those persons who are presently covered through private employer-based health plans, nor to replace employer-based health plans. Further, it is the intent of the legislature to expand, wherever possible, the availability of private health care coverage and to discourage the decline of employer-based coverage.

NEW SECTION. Sec. 4. As used in this chapter:

(1) "Washington basic health plan" or "plan" means the system of enrollment and payment on a prepaid capitated basis for basic health care services, administered by the board through participating managed health care systems, created by this chapter.

(2) "Board" means the Washington basic health plan board.

(3) "Managed health care system" means any health care organization, including health care providers, insurers, health care service contractors, health maintenance organizations, or any combination thereof, that provides directly or by contract basic health care services, as defined by the board and rendered by duly licensed providers, on a prepaid capitated basis to a defined patient population enrolled in the plan and in the managed health care system.

(4) "Enrollee" means an individual, or an individual plus the individual's spouse and/or dependent children, all under the age of sixty-five and not otherwise eligible for medicare, who resides in an area of the state served by a managed health care system participating in the plan, whose gross family income at the time of enrollment does not exceed twice the federal poverty level as adjusted for family size and determined annually by the federal department of health and human services, who chooses to obtain basic health care coverage from a particular managed health care system in return for periodic payments to the board.

(5) "Subsidy" means the difference between the amount of periodic payment the board makes, from funds appropriated from the basic health plan trust account, to a managed health care system on behalf of an enrollee and the amount the board determines to be the enrollee's responsibility under section 10(2) of this act.

(6) "Premium" means a periodic payment, based upon gross family income and determined under section 10(2) of this act, which an enrollee makes to the board as consideration for enrollment in the plan.

(7) "Rate" means the per capita amount, negotiated by the board with and paid to a participating managed health care system, that is based upon the enrollment of enrollees in the plan and in that system.

**NEW SECTION.** Sec. 5. The basic health plan trust account is hereby established in the state treasury. All funds appropriated for this chapter shall be deposited in the basic health plan trust account and may be expended without further appropriation. Disbursements from other moneys in the account shall be made pursuant to appropriation and upon warrants drawn by the Washington basic health plan board. Moneys in the account shall be used exclusively for the purposes of this chapter, including payments to participating managed health care systems on behalf of enrollees in the plan and payment of costs of administering the plan. The earnings on any surplus balances in the basic health plan trust account shall be credited to the account, notwithstanding RCW 43.84.090. After January 1, 1988, the board shall not expend or encumber for an ensuing fiscal period amounts exceeding ninety percent of the amounts anticipated to accrue in the account during the fiscal period.

**NEW SECTION.** Sec. 6. There is created the Washington basic health plan board, which shall be a separate and independent board of the state. The board shall be composed of five members appointed by the governor. The governor shall select one member to serve as chairman. Not more than one member may have any fiduciary obligation to any health care provider or facility or any material financial interest in the provision of health care services and one member shall have expertise in health care benefit design, as well as the administration of a health care benefits program by private employers.

Members of the board shall serve for four-year terms. However, of the members initially appointed after the effective date of this act, two shall be appointed to four-year terms, one to a three-year term, one to a two-year term, and one to a one-year term. Appointments shall require senate confirmation. No member of the board may serve for more than two consecutive terms. A vacancy shall be filled by appointment for the remainder of the unexpired term and the initial appointments and vacancies shall not require senate confirmation until the legislature next convenes.

**NEW SECTION.** Sec. 7. Meetings of the board shall be held as frequently as its duties require. The board shall keep minutes of its meetings and adopt procedures for the governing of its meetings, minutes, and transactions. Three members of the board constitute a quorum, but a vacancy on the board shall not impair its power to act. No action of the board shall be effective unless three members concur therein. The board may, consistent with the procedural requirements of chapter 42.30 RCW, meet in executive session with representatives of prospective or participating managed health care systems to discuss matters of a proprietary or sensitive nature.

The members of the board shall be compensated in accordance with RCW 43.03.250 and shall be reimbursed for their travel expenses in accordance with RCW 43.03.050 and 43.03.060.

**NEW SECTION.** Sec. 8. The board shall employ, subject to approval by the governor, a full-time executive director, who shall be the chief administrative officer of the board and shall be subject to its direction. The salary for this office shall be set by the governor pursuant to RCW 43.03.040. The executive director, medical director, and up to five other employees shall be exempt from the civil service law, chapter 41.06 RCW.

The board shall employ such other staff as are necessary to fulfill the responsibilities and duties of the board, such staff to be subject to the civil service law, chapter 41.06 RCW. In addition, the board may contract with third parties for services necessary to carry out its activities where this will promote economy, avoid duplication of effort, and make best use of available expertise. Any such contractor or consultant shall be prohibited from releasing, publishing, or otherwise using any information made available to it under its contractual responsibility without specific permission of the board. The board may call upon other agencies of the state to provide available information as necessary to assist the board in meeting its responsibilities under this chapter, which information shall be supplied as promptly as circumstances permit.

The board may create committees from its membership, and may appoint such technical or other advisory committees as it deems necessary. The board shall appoint a standing technical advisory committee that is representative of health care professionals, health care providers, and those directly involved in the purchase, provision, or delivery of health care services, as well as consumers and those knowledgeable of the ethical issues involved with health care public policy. Individuals appointed to any technical or other advisory committee shall serve without compensation for their services as members, but may be reimbursed for their expenses in the same manner as members of the board.

The board may apply for, receive, and accept grants, gifts, and other payments, including property and service, from any governmental or other public or private entity or person, and may make arrangements as to the use of these receipts, including the undertaking of special studies and other projects relating to health care costs and access to health care.

In the design, organization, and administration of the plan under this chapter, the board shall consider the report of the Washington health care project commission established under chapter 303, Laws of 1986. Nothing in this chapter requires the board to follow any specific recommendation contained in that report except as it may also be included in this chapter or other law.

**NEW SECTION, Sec. 9.** The board may promulgate and adopt rules consistent with this chapter to carry out the purposes of this chapter. All rules shall be adopted in accordance with chapter 34.04 RCW.

**NEW SECTION, Sec. 10.** The board has the following powers and duties:

(1) To design and from time to time revise a schedule of covered basic health care services, including physician services, inpatient and outpatient hospital services, and other services that may be necessary for basic health care, which enrollees in any participating managed health care system under the Washington basic health plan shall be entitled to receive in return for premium payments to the board. The schedule of services shall emphasize proven preventive and primary health care, shall include all services necessary for prenatal, postnatal, and well-child care, and shall include a separate schedule of basic health care services for children, eighteen years of age and younger, for those enrollees who choose to secure basic coverage through the plan only for their dependent children. In designing and revising the schedule of services, the board shall consider the guidelines for assessing health services under the mandated benefits act of 1984, RCW 48.42.080, and such other factors as the board deems appropriate.

(2) To design and implement a structure of periodic premiums due the board from enrollees that is based upon gross family income, giving appropriate consideration to family size as well as the ages of all family members. The enrollment of children shall not require the enrollment of their parent or parents who are eligible for the plan.

(3) To design and implement a structure of nominal copayments due a managed health care system from enrollees. The structure shall discourage inappropriate enrollee utilization of health care services, but shall not be so costly to enrollees as to constitute a barrier to appropriate utilization of necessary health care services.

(4) To limit enrollment of persons who qualify for subsidies so as to prevent an overexpenditure of appropriations for such purposes. Whenever the board finds that there is danger of such an overexpenditure, the board shall close enrollment until the board finds the danger no longer exists.

(5) To adopt a schedule for the orderly development of the delivery of services and availability of the plan to residents of the state, subject to the limitations contained in section 12 of this act.

In the selection of any area of the state for the initial operation of the plan, the board shall take into account the levels and rates of unemployment in different areas of the state, the need to provide basic health care coverage to a population reasonably representative of the portion of the state's population that lacks such coverage, and the need for geographic, demographic, and economic diversity.

Before July 1, 1988, the board shall endeavor to secure participation contracts with managed health care systems in discrete geographic areas within at least five congressional districts.

(6) To solicit and accept applications from managed health care systems, as defined in this chapter, for inclusion as eligible basic health care providers under the plan. The board shall endeavor to assure that covered basic health care services are available to any enrollee of the plan from among a selection of two or more participating managed health care systems. In adopting any rules or procedures applicable to managed health care systems and in its dealings with such systems, the board shall consider and make suitable allowance for the need for health care services and the differences in local availability of health care resources, along with other resources, within and among the several areas of the state.

(7) To receive periodic premiums from enrollees, deposit them in the basic health plan operating account, keep records of enrollee status, and authorize periodic payments to managed health care systems on the basis of the number of enrollees participating in the respective managed health care systems.

(8) To accept applications from individuals residing in areas served by the plan, on behalf of themselves and their spouses and dependent children, for enrollment in the Washington basic health plan, to establish appropriate minimum-enrollment periods for enrollees as may be necessary, and to determine, upon application and at least annually thereafter, or at the request of any enrollee, eligibility due to current gross family income for sliding scale premiums. An enrollee who remains current in payment of the sliding-scale premium, as determined by the board under subsection (2) of this section, and whose gross family income has risen above twice the federal poverty level, may continue enrollment unless and until the enrollee's gross family income has remained above twice the poverty level for six consecutive months, by making payment at the unsubsidized rate required for the managed health care system in which he or she may be enrolled. No subsidy may be paid with respect to any enrollee whose current gross family income exceeds twice the federal poverty level or, subject to section 15 of this act, who is a recipient of medical assistance or medical care services under chapter 74.09 RCW. In the event a number of enrollees drop their enrollment for no apparent good cause, the board may establish appropriate rules or requirements that are applicable to such individuals before they will be allowed to re-enroll in the plan.

(9) To require that prospective enrollees who may be eligible for categorically needy medical coverage under RCW 74.09.510 or whose income does not exceed the medically needy income level under RCW 74.09.700 apply for such coverage, but the board shall enroll the individuals in the plan pending the determination of eligibility under chapter 74.09 RCW.

(10) To determine the rate to be paid to each participating managed health care system in return for the provision of covered basic health care services to enrollees in the system. Although the schedule of covered basic health care services will be the same for similar enrollees, the rates negotiated with participating managed health care systems may vary among the systems. In negotiating rates with participating systems, the board shall consider the characteristics of the populations served by the respective systems, economic circumstances of the local area, the need to conserve the resources of the basic health plan trust account, and other factors the board finds relevant.

(11) To monitor the provision of covered services to enrollees by participating managed health care systems in order to assure enrollee access to good quality basic health care, to require periodic data reports concerning the utilization of health care services rendered to enrollees in order to provide adequate information for evaluation, and to inspect the books and records of participating managed health care systems to assure compliance with the purposes of this chapter. In requiring reports from participating managed health care systems, including data on services rendered enrollees, the board shall endeavor to minimize costs, both to the managed health care systems and to the board. The board shall coordinate any such reporting requirements with other state agencies, such as the insurance commissioner and the hospital commission, to minimize duplication of effort.

(12) To monitor the access that state residents have to adequate and necessary health care services, determine the extent of any unmet needs for such services or lack of access that may exist from time to time, and make such reports and recommendations to the legislature as it deems appropriate.

(13) To evaluate the effects this chapter has on private employer-based health care coverage and to take appropriate measures consistent with state and federal statutes that will discourage the reduction of such coverage in the state.

(14) To develop a program of proven preventive health measures and to integrate it into the plan wherever possible and consistent with this chapter.

(15) To provide, consistent with available resources, technical assistance for rural health activities that endeavor to develop needed health care services in rural parts of the state.

**NEW SECTION.** Sec. 11. The benefits available under the plan shall be subject to RCW 48.21.200 and shall be excess to the benefits payable under the terms of any insurance policy issued to or on the behalf of an enrollee that provides payments toward medical expenses without a determination of liability for the injury.

**NEW SECTION.** Sec. 12. On and after July 1, 1988, the board shall accept for enrollment applicants eligible to receive covered basic health care services from the respective managed health care systems which are then participating in the plan. The board shall not allow the total enrollment of those eligible for subsidies to exceed thirty thousand.

Thereafter, total enrollment shall not exceed the number established by the legislature in any act appropriating funds to the board.

Before July 1, 1988, the board shall endeavor to secure participation contracts from managed health care systems in discrete geographic areas within at least five congressional districts of the state and in such manner as to allow residents of both urban and rural areas access to enrollment in the plan.

The board shall at all times closely monitor growth patterns of enrollment so as not to exceed that consistent with the orderly development of the plan as a whole, in any area of the state or in any participating managed health care system.

**NEW SECTION.** Sec. 13. Any enrollee whose premium payments to the board are delinquent or who moves his or her residence out of an area served by the plan may be dropped

from enrollment status. An enrollee whose premium is the responsibility of the department of social and health services under section 15 of this act may not be dropped solely because of nonpayment by the department. The board shall provide delinquent enrollees with advance written notice of their removal from the plan and shall provide for a hearing under chapters 34.04 and 34.12 RCW for any enrollee who contests the board's decision to drop the enrollee from the plan. Upon removal of an enrollee from the plan, the board shall promptly notify the managed health care system in which the enrollee has been enrolled, and shall not be responsible for payment for health care services provided to the enrollee (including, if applicable, members of the enrollee's family) after the date of notification. A managed health care system may contest the denial of payment for coverage of an enrollee through a hearing under chapters 34.04 and 34.12 RCW.

**NEW SECTION.** Sec. 14. Managed health care systems participating in the plan shall do so by contract with the board and shall provide, directly or by contract with other health care providers, covered basic health care services to each enrollee as long as payments from the board on behalf of the enrollee are current. A participating managed health care system may offer, without additional cost, health care benefits or services not included in the schedule of covered services under the plan. A participating managed health care system shall not give preference in enrollment to enrollees who accept such additional health care benefits or services. Managed health care systems participating in the plan shall not discriminate against any potential or current enrollee based upon health status, sex, race, ethnicity, or religion. The board may receive and act upon complaints from enrollees regarding failure to provide covered services or efforts to obtain payment, other than authorized copayments, for covered services directly from enrollees, but nothing in this chapter empowers the board to impose any sanctions under Title 18 RCW or any other professional or facility licensing statute.

The plan shall allow, at least annually, an opportunity for enrollees to transfer their enrollments among participating managed health care systems serving their respective areas. The board shall establish a period of at least twenty days in a given year when this opportunity is afforded enrollees, and in those areas served by more than one participating managed health care system the board shall endeavor to establish a uniform period for such opportunity. The plan shall allow enrollees to transfer their enrollment to another participating managed health care system at any time upon a showing of good cause for the transfer.

Any contract between a hospital and a participating managed health care system under this chapter is subject to the requirements of RCW 70.39.140(1) regarding negotiated rates.

Prior to negotiating with any managed health care system, the board shall determine, on an actuarially sound basis, the reasonable cost of providing the schedule of basic health care services, expressed in terms of upper and lower limits, and recognizing variations in the cost of providing the services through the various systems and in different areas of the state. In negotiating with managed health care systems for participation in the plan, the board shall adopt a uniform procedure that includes at least the following:

(1) The board shall issue a request for proposals, including standards regarding the quality of services to be provided; financial integrity of the responding systems; and responsiveness to the unmet health care needs of the local communities or populations that may be served;

(2) The board shall then review responsive proposals and may negotiate with respondents to the extent necessary to refine any proposals;

(3) The board may then select one or more systems to provide the covered services within a local area; and

(4) The board may adopt a policy that gives preference to respondents, such as nonprofit community health clinics, that have a history of providing quality health care services to low-income persons.

**NEW SECTION.** Sec. 15. The department of social and health services shall make periodic payments to the board as an agent for the participating managed health care systems on behalf of any enrollee who is a recipient of medical assistance, medical care-limited casualty program, or medical care services under chapter 74.09 RCW, at the maximum rate allowable for federal matching purposes under Title XIX of the social security act, but not to exceed the rate negotiated by the board with the participating managed health care system for the services covered by the plan, and no premium or copayment may be charged to such an enrollee. Any enrollee on whose behalf the department of social and health services makes payments to the board under this section and chapter 74.09 RCW may continue as an enrollee, making premium payments based on the enrollee's own income as determined under the sliding scale, after eligibility for coverage under chapter 74.09 RCW has ended, as long as the enrollee remains eligible under this chapter. Nothing in this section affects the right of any person eligible for coverage under chapter 74.09 RCW to receive the services offered to other persons under that chapter but not included in the schedule of basic health care services covered by the plan. The board and the department of social and health services shall cooperatively adopt procedures to facilitate the transition of plan enrollees and payments on their behalf between the plan and the programs established under chapter 74.09 RCW.

NEW SECTION. Sec. 16. In addition to the powers and duties specified in sections 8 and 10 of this act, the board has the power to enter into contracts for the following functions and services:

(1) With public or private agencies, to assist the board in its duties to design or revise the schedule of covered basic health care services, and/or to monitor or evaluate the performance of participating managed health care systems.

(2) With public or private agencies, to provide technical or professional assistance to health care providers, particularly public or private nonprofit organizations and providers serving rural areas, who show serious intent and apparent capability to participate in the plan as managed health care systems.

(3) With public or private agencies, including health care service contractors registered under RCW 48.44.015, and doing business in the state, for marketing and administrative services in connection with participation of managed health care systems, enrollment of enrollees, billing and collection services to the board, and other administrative functions ordinarily performed by health care service contractors, other than insurance. Any activities of a health care service contractor pursuant to a contract with the board under this section shall be exempt from the provisions and requirements of Title 48 RCW.

NEW SECTION. Sec. 17. The activities and operations of the Washington basic health plan under this chapter, including those of managed health care systems to the extent of their participation in the plan, are exempt from the provisions and requirements of Title 48 RCW, except as provided in section 11 of this act.

NEW SECTION. Sec. 18. A new section is added to chapter 50.20 RCW to read as follows:

The commissioner shall notify any person filing a claim under this chapter who resides in a local area served by the Washington basic health plan of the availability of basic health care coverage to qualified enrollees in the Washington basic health plan under chapter 70.-- RCW (sections 1 through 17 of this act), unless the Washington basic health plan board has notified the commissioner of a closure of enrollment in the area. The commissioner shall maintain a supply of Washington basic health plan enrollment application forms, which shall be provided in reasonably necessary quantities by the board, in each appropriate employment service office for the use of persons wishing to apply for enrollment in the Washington basic health plan.

NEW SECTION. Sec. 19. A new section is added to chapter 51.28 RCW to read as follows:

The director shall notify persons receiving time-loss payments under this chapter of the availability of basic health care coverage to qualified enrollees under chapter 70.-- RCW (sections 1 through 17 of this act), unless the Washington basic health plan board has notified the director of closure of enrollment in the plan. The director shall maintain supplies of Washington basic health plan enrollment application forms in all field service offices where the plan is available, which shall be provided in reasonably necessary quantities by the board for the use of persons wishing to apply for enrollment in the Washington basic health plan.

NEW SECTION. Sec. 20. A new section is added to chapter 74.04 RCW to read as follows:

The department shall notify any applicant for public assistance who resides in a local area served by the Washington basic health plan and is under sixty-five years of age of the availability of basic health care coverage to qualified enrollees in the Washington basic health plan under chapter 70.-- RCW (sections 1 through 17 of this act), unless the Washington basic health plan board has notified the department of a closure of enrollment in the area. The department shall maintain a supply of Washington basic health plan enrollment application forms, which shall be provided in reasonably necessary quantities by the board, in each appropriate community service office for the use of persons wishing to apply for enrollment in the Washington basic health plan.

NEW SECTION. Sec. 21. The Washington basic health plan board shall be appointed and commence operations as promptly as practicable after the effective date of this section. Not later than January 1, 1988, the board shall submit to the legislature a progress report including:

(1) The schedule of covered basic health care services adopted under section 10 of this act;

(2) A descriptive listing of managed health care systems expected to participate in the Washington basic health plan, along with an identification of prospective local areas for initial participation in the plan;

(3) The approximate amount of funds estimated to be on deposit in the basic health plan trust account as of March 31 and June 30, 1988;

(4) A description of the sliding fee schedule for enrollee premium payments and copayments adopted by the board under section 10 of this act;

(5) An evaluation of the financial viability of rural hospitals and the availability of necessary health care services in such areas, based upon any contacts or negotiations either the board or staff may have had with providers in rural areas of the state, together with any specific recommendations they may wish to make;

(6) Any proposals for statutory changes which the board deems necessary to implement the purposes of this chapter; and

(7) Any other information which the board deems appropriate.



Not later than January 1, 1989, the board shall submit to the legislature a further progress report, updating its 1988 report, and covering the same items provided for therein, with projections based upon implementation of the plan to date. Further, the report shall include a description of the performance of the first managed health care systems included as eligible providers as provided in section 12 of this act. The board shall submit an annual report to the legislature by January 1 of each year thereafter.

**NEW SECTION.** Sec. 22. A new section is added to chapter 74.09 RCW to read as follows:

(1) The department of social and health services shall, to the extent that funds are specifically appropriated for this purpose, provide matching grants on a one-to-one state/local basis to hospitals that are designated by the hospital commission as meeting all of the following criteria:

(a) Providing an amount of charity care equal to or greater than two hundred fifty percent of the state average;

(b) A tertiary care center; and

(c) Providing ten percent of the tertiary care to patients from outside the county in which the hospital is located.

(2) Grants shall be allocated to eligible hospitals based on the hospital's relative amount of charity care.

(3) Local matching funds shall be from a nonrate-setting revenue source as defined by the hospital commission.

(4) The department shall seek matching federal Title XIX medicaid funds pursuant to the "disproportionate share" provisions of the federal social security act. If necessary to obtain federal funds, the department may use the following provision in lieu of those set forth in subsections (1), (2), and (3) of this section: A hospital is eligible for a grant if it is designated by the hospital commission as having medical assistance charges exceeding twenty percent of the hospital's total rate-setting revenue during the preceding calendar year.

**NEW SECTION.** Sec. 23. The department of social and health services shall conduct an evaluation of the financial viability of those hospitals with a catchment area that is largely rural and, by January 1, 1989, provide the legislature with a report including recommendations or options that might be adopted that would assist such communities in preserving those valuable resources.

**NEW SECTION.** Sec. 24. Sections 1 through 17 of this act shall constitute a new chapter in Title 70 RCW.

**NEW SECTION.** Sec. 25. A new section is added to chapter 43.131 RCW to read as follows:

The Washington basic health plan board and its powers and duties shall be terminated on June 30, 1992, as provided in section 26 of this act.

**NEW SECTION.** Sec. 26. 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 1 of this act and RCW 70.....;
- (2) Section 2 of this act and RCW 70.....;
- (3) Section 3 of this act and RCW 70.....;
- (4) Section 4 of this act and RCW 70.....;
- (5) Section 5 of this act and RCW 70.....;
- (6) Section 6 of this act and RCW 70.....;
- (7) Section 7 of this act and RCW 70.....;
- (8) Section 8 of this act and RCW 70.....;
- (9) Section 9 of this act and RCW 70.....;
- (10) Section 10 of this act and RCW 70.....;
- (11) Section 11 of this act and RCW 70.....;
- (12) Section 12 of this act and RCW 70.....;
- (13) Section 13 of this act and RCW 70.....;
- (14) Section 14 of this act and RCW 70.....;
- (15) Section 15 of this act and RCW 70.....;
- (16) Section 16 of this act and RCW 70.....;
- (17) Section 17 of this act and RCW 70.....;
- (18) Section 18 of this act and RCW 50.20.....;
- (19) Section 19 of this act and RCW 51.28.....; and
- (20) Section 20 of this act and RCW 74.04.....

**NEW SECTION.** Sec. 27. 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. 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."

Debate ensued.

## POINT OF INQUIRY

Senator Newhouse: "Senator McDermott, does the budget presently under consideration contain all the funds that are necessary to implement this bill?"

Senator McDermott: "Yes, every budget that's passed includes this."

Further debate ensued.

## MOTION

Senator Hayner moved that the following amendment to the amendment be adopted:

On page 30, line 12 of the amendment, delete New Section 28

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Hayner to the amendment.

The motion by Senator Hayner failed and the amendment to the amendment was not adopted.

The President declared the question before the Senate to be the adoption of the amendment by Senator McDermott.

The motion by Senator McDermott carried and the amendment was adopted.

## MOTION

On motion of Senator McDermott the following title amendment was adopted:

On page 1, beginning on line 1 of the title, after "health care," strike the remainder of the title and insert "adding new sections to chapter 43.131 RCW; adding a new section to chapter 50.20 RCW; adding a new section to chapter 51.28 RCW; adding a new section to chapter 74.04 RCW; adding a new section to chapter 74.09 RCW; adding a new chapter to Title 70 RCW; creating new sections; and declaring an emergency."

## MOTION

On motion of Senator McDermott, the rules were suspended, Engrossed Second Substitute House Bill No. 477, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Second Substitute House Bill No. 477, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Second Substitute House Bill No. 477, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 37; nays, 7; excused, 5.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson, Kreidler, McDermott, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 37.

Voting nay: Senators Benitz, Cantu, Hayner, McCaslin, McDonald, Pullen, Rasmussen - 7.

Excused: Senators Craswell, Deccio, Kiskaddon, Lee, Metcalf - 5.

ENGROSSED SECOND SUBSTITUTE HOUSE NO. 477, 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.

## MOTIONS

On motion of Senator Vognild, the Senate advanced to the ninth order of business.

On motion of Senator Vognild, the Committee on Rules was relieved of the following Senate Floor Resolutions:

Senate Resolution 1987-8641;

Senate Resolution 1987-8645;

Senate Resolution 1987-8649;

Senate Resolution 1987-8651;

Senate Resolution 1987-8659;

Senate Resolution 1987-8664;

Senate Resolution 1987-8666;  
Senate Resolution 1987-8668;  
Senate Resolution 1987-8669;  
Senate Resolution 1987-8670;  
Senate Resolution 1987-8671;  
Senate Resolution 1987-8674.

On motion of Senator Vognild, the resolutions were held on the desk.

MOTION

Senator West moved that the Senate now consider the rule change that he had placed on the desk.

MOTION

At 4:34 p.m., on motion of Senator Vognild, the Senate adjourned until 9:00 a.m., Friday, May 8, 1987.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

## TWELFTH DAY

---

### MORNING SESSION

---

Senate Chamber, Olympia, Friday, May 8, 1987

The Senate was called to order at 9:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Craswell, DeJarnatt, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McDermott, Metcalf, Pullen, Sellar, Tanner and West. On motion of Senator Zimmerman, Senators Johnson, Kiskaddon, Lee, Metcalf and Pullen were excused.

The Sergeant at Arms Color Guard, consisting of Pages Wendy Ernst and C. Wakefield Gregg, presented the Colors. Sister Georgette Bayless, director of pastoral care for St. Peter Hospital of Olympia, offered the prayer.

### MOTION

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

### MESSAGE FROM THE GOVERNOR

May 7, 1987

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on May 7, 1987, Governor Gardner approved the following Senate Bills entitled:

Substitute Senate Bill No. 5094

Relating to excise taxation.

Substitute Senate Bill No. 5142

Relating to protection from harassment.

Senate Bill No. 5172

Relating to victims or witnesses of crime.

Substitute Senate Bill No. 5232

Relating to unemployment compensation.

Substitute Senate Bill No. 5393

Relating to unemployment.

Substitute Senate Bill No. 5456

Relating to transportation.

Senate Bill No. 5549

Relating to the resetting of execution dates.

Senate Bill No. 5564

Relating to local housing authorities.

Substitute Senate Bill No. 5604

Relating to conveyance of state-owned aquatic lands and relocation of harbor lines for the purpose of assisting the siting of a United States Navy base in Everett.

Second Substitute Senate Bill No. 5871

Relating to child day care.

Substitute Senate Bill No. 5977

Relating to a state telecommunications network.

Senate Bill No. 6012

Relating to indecent exposure.

Sincerely,

TERRY SEBRING, Legal Counsel to the Governor

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

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

## MOTION

On motion of Senator Vognild, Gubernatorial Appointment No. 9107, Robert E. Trimble, as a member of the Indeterminate Sentencing Review Board, was confirmed.

## APPOINTMENT OF ROBERT E. TRIMBLE

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 35; nays, 1; absent, 8; excused, 5.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, Fleming, Garrett, Gaspard, Hayner, McCaslin, McDonald, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 35.

Voting nay: Senator Halsan - 1.

Absent: Senators Craswell, DeJarnatt, Hansen, Kreidler, McDermott, Sellar, Tanner, West - 8.

Excused: Senators Johnson, Kiskaddon, Lee, Metcalf, Pullen - 5.

## MOTIONS

On motion of Senator Bender, Senators DeJarnatt, Hansen, McDermott and Tanner were excused.

On motion of Senator Zimmerman, Senator Sellar was excused.

## MOTION

On motion of Senator Smitherman, Gubernatorial Appointment No. 9003, Patrick J. Graham, as a member of the State Gambling Commission, was confirmed.

## APPOINTMENT OF PATRICK J. GRAHAM

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 38; absent, 1; excused, 10.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, Fleming, Garrett, Gaspard, Halsan, Hayner, Kreidler, McCaslin, McDonald, Moore, Nelson, Newhouse, Patterson, Peterson, Rasmussen, Rinehart, Saling, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 38.

Absent: Senator Owen - 1.

Excused: Senators DeJarnatt, Hansen, Johnson, Kiskaddon, Lee, McDermott, Metcalf, Pullen, Sellar, Tanner - 10.

## MOTION

On motion of Senator Kreidler, Gubernatorial Appointment No. 9005, Joe C. Jones, as a member of the Interagency Committee for Outdoor Recreation, was confirmed.

## APPOINTMENT OF JOE C. JONES

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 38; absent, 1; excused, 10.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, Fleming, Garrett, Gaspard, Halsan, Hayner, Kreidler, McCaslin, McDonald, Moore, Nelson, Newhouse, Patterson, Peterson, Rasmussen, Rinehart, Saling, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 38.

Absent: Senator Owen - 1.

Excused: Senators DeJarnatt, Hansen, Johnson, Kiskaddon, Lee, McDermott, Metcalf, Pullen, Sellar, Tanner - 10.

## MOTION

At 9:21 a.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 1:30 p.m. by President Cherberg.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Rasmussen, Gubernatorial Appointment No. 9032, Chester A. Richmond, Jr., as a member of the Board of Pilotage Commissioners, was confirmed.

APPOINTMENT OF CHESTER A. RICHMOND, JR.

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 41; absent, 4; excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Hansen, Johnson, Kreidler, Lee, McCaslin, McDonald, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Rasmussen, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 41.

Absent: Senators Craswell, Halsan, Hayner, Rinehart - 4.

Excused: Senators Kiskaddon, McDermott, Metcalf, Pullen - 4.

MOTION

On motion of Senator Smitherman, Gubernatorial Appointment No. 9012, Ann H. Noel, as a member of the State Gambling Commission, was confirmed.

APPOINTMENT OF ANN H. NOEL

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 43; absent, 2; excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDonald, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 43.

Absent: Senators Halsan, Saling - 2.

Excused: Senators Kiskaddon, McDermott, Metcalf, Pullen - 4.

MOTION

At 1:48 p.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 3:21 p.m. by President Cherberg.

MOTION

At 3:21 p.m., on motion of Senator Vognild, the Senate adjourned until 1:30 p.m., Monday, May 11, 1987.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

## FIFTEENTH DAY

---

### AFTERNOON SESSION

---

Senate Chamber, Olympia, Monday, May 11, 1987

The Senate was called to order at 1:30 p.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Barr, Bauer, Bender, Kreidler, McDermott, Rinehart and Tanner. On motion of Senator Vognild, Senators Bauer, Bender, McDermott, Rinehart and Tanner were excused.

The Sergeant at Arms Color Guard, consisting of Pages Dustin Bilhimer and Aaron Bert, presented the Colors. Reverend Hilton Jarvis, pastor of the Lacey Baptist Chapel, offered the prayer.

#### MOTION

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

#### MESSAGE FROM THE GOVERNOR

May 8, 1987

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on May 8, 1987, Governor Gardner approved the following Senate Bills entitled:

Senate Bill No. 5120

Relating to the titling, registration and licensing of vehicles and vessels.

Senate Bill No. 5693

Relating to voting access.

Senate Bill No. 5882

Relating to contractors insurance.

Substitute Senate Bill No. 6023

Relating to port industrial bonding.

Sincerely,

TERRY SEBRING, Legal Counsel to the Governor

#### MESSAGE FROM THE HOUSE

May 9, 1987

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1221, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### INTRODUCTION AND FIRST READING

SB 6077 by Senator Bottiger

AN ACT Relating to fuel taxes for transportation purposes.

Hold.

SCR 8417 by Senators DeJarnatt, Conner, Zimmerman and Bauer

Urging joint commemoration by Washington and Oregon of the 200th anniversary of the exploration of the Columbia river.

Referred to Committee on Natural Resources.

## INTRODUCTION AND FIRST READING OF HOUSE BILL

ESHB 1221 by Committee on Ways and Means (originally sponsored by Representatives Locke and Grimm)

Revising the 1987-89 omnibus appropriations act.

Hold.

## MOTIONS

On motion of Senator Bottiger, the rules were suspended, Senate Bill No. 6077 was advanced to second reading and placed on the second reading calendar.

On motion of Senator Vognild, the rules were suspended, Engrossed Substitute House Bill No. 1221 was advanced to second reading and placed on the second reading calendar.

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

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENT

## MOTION

On motion of Senator Gaspard, Gubernatorial Appointment No. 9105, Marlyn Minkin, as a member of the Board of Trustees for the State School for the Deaf, was confirmed.

## APPOINTMENT OF MARLYN MINKIN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 42; absent, 2; excused, 5.

Voting yea: Senators Anderson, Bailey, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Saling, Sellar, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 42.

Absent: Senators Barr, Kreidler - 2.

Excused: Senators Bauer, Bender, McDermott, Rinehart, Tanner - 5.

## MOTION

At 1:45 p.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 4:22 p.m. by President Cherberg.

## MOTION

At 4:22 p.m., on motion of Senator Vognild, the Senate adjourned until 1:30 p.m., Tuesday, May 12, 1987.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.



## SIXTEENTH DAY

---

### AFTERNOON SESSION

---

Senate Chamber, Olympia, Tuesday, May 12, 1987

The Senate was called to order at 1:30 p.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Bluechel, Conner, Craswell, Deccio, Kreidler, Lee, McDermott, Nelson, Pullen, Rinehart and Zimmerman. On motion of Senator Bender, Senator Conner was excused. On motion of Senator Metcalf, Senators Craswell, Nelson, Pullen and Zimmerman were excused.

The Sergeant at Arms Color Guard, consisting of Pages Leah Durant and Derek Miller, presented the Colors. Reverend Hilton Jarvis, pastor of the Lacey Baptist Chapel, offered the prayer.

### MOTION

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

### MESSAGE FROM THE GOVERNOR

May 11, 1987

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

I have the honor to advise you that on May 11, 1987, Governor Gardner approved the following Senate Bills entitled:

Substitute Senate Bill No. 5225

Relating to community college negotiations by academic personnel.

Substitute Senate Bill No. 5285

Relating to public broadcasting.

Substitute Senate Bill No. 5514

Relating to water and sewer districts.

Substitute Senate Bill No. 5814

Relating to mobile homes.

Substitute Senate Bill No. 5838

Relating to health studios.

Senate Bill No. 5948

Relating to interest rates on retail installment contracts for the purchase of motor vehicles.

Sincerely,

TERRY SEBRING, Legal Counsel to the Governor

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

### SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

### MOTION

On motion of Senator Gaspard, Gubernatorial Appointment No. 9110, John P. Kniskern, as a member of the Board of Trustees for Highline Community College District No. 9, was confirmed.

### APPOINTMENT OF JOHN P. KNISKERN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 38; absent, 6; excused, 5.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bottiger, Cantu, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, McCaslin, McDonald, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Saling, Sellar,

Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 38.

Absent: Senators Bluechel, Deccio, Kreidler, Lee, McDermott, Rinehart - 6.

Excused: Senators Conner, Craswell, Nelson, Pullen, Zimmerman - 5.

#### MOTION

On motion of Senator Gaspard, Gubernatorial Appointment No. 9111, Ernest M. Conrad, as a member of the Board of Trustees for Olympic Community College District No. 3, was confirmed.

#### APPOINTMENT OF ERNEST M. CONRAD

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 40; absent, 4; excused, 5.

Voting yeas: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bottiger, Cantu, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, McCaslin, McDermott, McDonald, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 40.

Absent: Senators Bluechel, Deccio, Hayner, Lee - 4.

Excused: Senators Conner, Craswell, Nelson, Pullen, Zimmerman - 5.

#### MOTION

At 1:45 p.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 3:44 p.m. by President Cherberg.

#### MOTION

At 3:44 p.m., on motion of Senator Vognild, the Senate adjourned until 10:00 a.m., Wednesday, May 13, 1987.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

## SEVENTEENTH DAY

---

### MORNING SESSION

---

Senate Chamber, Olympia, Wednesday, May 13, 1987

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Bottiger, Cantu, Conner, McDermott, Metcalf and Nelson. On motion of Senator Rasmussen, Senator McDermott was excused. On motion of Senator Metcalf, Senator Cantu was excused.

The Sergeant at Arms Color Guard, consisting of Pages Melissa Ramming and Aaron Bert, presented the Colors. Reverend Hilton Jarvis, pastor of the Lacey Baptist Chapel, offered the prayer.

#### MOTION

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

#### MESSAGE FROM THE GOVERNOR

May 12, 1987

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on May 12, 1987, Governor Gardner approved the following Senate Bills entitled:

Substitute Senate Bill No. 5001

Relating to the judicial council.

Substitute Senate Bill No. 5510

Relating to real estate licenses.

Substitute Senate Bill No. 5511

Relating to the divided payment of public retirement benefits.

Substitute Senate Bill No. 5520

Relating to improvement districts.

Senate Bill No. 5529

Relating to certification of minority and women business enterprises.

Senate Bill No. 5546

Relating to the crime of assault.

Substitute Senate Bill No. 5561

Relating to bonding and trust account requirements for auctioneers.

Senate Bill No. 5747

Relating to historic preservation corporations.

Senate Bill No. 5764

Relating to the creation of new boards and commissions, and special purpose districts.

Substitute Senate Bill No. 5978

Relating to prohibiting the sale or use of tributyltin in paints.

Second Substitute Senate Bill No. 5993

Relating to water rights.

Substitute Senate Bill No. 6013

Relating to child care.

Sincerely,

TERRY SEBRING, Legal Counsel to the Governor

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

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENT

## MOTION

On motion of Senator Wojahn, Gubernatorial Appointment No. 9115, Ludwig Lobe, as a member of the Health Care Facilities Authority, was confirmed.

## APPOINTMENT OF LUDWIG LOBE

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 43; absent, 4; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognilid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 43.

Absent: Senators Bottiger, Conner, Metcalf, Nelson - 4.

Excused: Senators Cantu, McDermott - 2.

## PERSONAL PRIVILEGE

Senator Wojahn: "Mr. President and members of the Senate, a point of personal privilege. I had the privilege of meeting Phil Donahue yesterday and I wanted you to know that I invited him down here to address the Senate or at least to be here to greet us. He expressed a real serious doubt that he could make it, because he has a 1:30 broadcast.

"He is a delightful person. He is quite tall. In fact, he was a lot taller than I was; he looks small on television. He is perfectly delightful in his approach and he was friendly to all persons who were there. He didn't give anybody any reason to doubt that he is a very sincere and dedicated public person. I wanted you to know that, because I was very impressed and I didn't expect to be."

## MOTION

At 10:15 a.m., on motion of Senator Vognilid, the Senate was declared to be at ease.

The Senate was called to order at 12:17 p.m. by President Cherberg.

At 12:17 p.m., the President declared the Senate to be recessed until 3:30 p.m.

## AFTERNOON SESSION

The Senate was called to order at 5:24 p.m. by President Cherberg.

## MOTION

At 5:24 p.m., on motion of Senator Vognilid, the Senate adjourned until 9:00 a.m., Thursday, May 14, 1987.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

## EIGHTEENTH DAY

---

### MORNING SESSION

---

Senate Chamber, Olympia, Thursday, May 14, 1987

The Senate was called to order at 9:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Bender, Bottiger, DeJarnatt and McCaslin. On motion of Senator Zimmerman, Senator McCaslin was excused. On motion of Senator Fleming, Senators Bender, Bottiger and DeJarnatt were excused.

The Sergeant at Arms Color Guard, consisting of Pages Leah Durant and Dustin Bilhimer, presented the Colors. Reverend Hilton Jarvis, pastor of the Lacey Baptist Chapel, offered the prayer.

### MOTION

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

### MESSAGE FROM THE GOVERNOR

May 13, 1987

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on May 13, 1987, Governor Gardner approved the following Senate Bills entitled:

Substitute Senate Bill No. 5024

Relating to registration of contractors.

Substitute Senate Bill No. 5061

Relating to failure to comply with traffic infraction laws.

Substitute Senate Bill No. 5405

Relating to hazardous substance information.

Senate Bill No. 5463

Relating to educational opportunities.

Substitute Senate Bill No. 5502

Relating to new motor vehicle warranties.

Substitute Senate Bill No. 5530

Relating to small business.

Sincerely,

TERRY SEBRING, Legal Counsel to the Governor

### MESSAGE FROM HOUSE

May 13, 1987

MR. PRESIDENT:

The House has passed HOUSE JOINT MEMORIAL NO. 4028, and the same is herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

### INTRODUCTION AND FIRST READING OF HOUSE BILL

HJM 4028 by Representatives Schmidt and Walk

Opposing efforts to increase federal fuel taxes for deficit reduction.

### MOTION

On motion of Senator Vognild, House Joint Memorial No. 4028 was referred to the Committee on Rules.

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

## MOTION

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

## SENATE RESOLUTION 1987-8685

by Senators Owen and Smitherman

WHEREAS, James Allen Pompey, Commander of the Green River Task Force died in a tragic accident Sunday, May 10, 1987; and

WHEREAS, James Allen Pompey was graduated from Washington State University with a Bachelor of Arts in Criminal Justice in 1972; and

WHEREAS, Commander Pompey served this state and the citizens of King County for fifteen years as an exemplary law enforcement officer and was the highest ranking black officer in the department; and

WHEREAS, His career included service as a sergeant, a lieutenant and finally the captain in charge of emergency services and special operations in the King County Police Department; and

WHEREAS, Captain Pompey guided the Green River Task Force operations from November 1986 until his death;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor this dedicated officer for his professional service to our state and his personal involvement in addressing the needs of the community; and

BE IT FURTHER RESOLVED, That the Washington State Senate express its condolences to his father, Allen Pompey, and to his brother and sister for their great loss, and give recognition to the family support he received throughout his illustrious career.

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

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENT

## MOTION

On motion of Senator Kreidler, Gubernatorial Appointment No. 9118, Anne Cox, as Chair of the Interagency Committee for Outdoor Recreation, was confirmed.

## APPOINTMENT OF ANNE COX

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; excused, 4.

Voting yeas: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 45.

Excused: Senators Bender, Bottiger, DeJarnatt, McCaslin - 4.

## MOTION

At 9:16 a.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 11:11 a.m. by President Cherberg.

## MOTION

At 11:11 a.m., on motion of Senator Vognild, the Senate recessed until 1:30 p.m.

## AFTERNOON SESSION

The Senate was called to order at 1:35 p.m. by President Cherberg.

## MOTION

At 1:35 p.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 2:17 p.m. by President Cherberg.

## SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1221, by Committee on Ways and Means (originally sponsored by Representatives Locke and Grimm)

Revising the 1987-89 omnibus appropriations act.

The bill was read the second time.

## MOTION

Senator Owen moved that the following amendment by Senators Owen and McDonald be adopted:

Strike everything after the enacting clause and insert the following:

**\*NEW SECTION.** Sec. 1. (1) A budget is hereby adopted and, subject to the provisions set forth in the following sections, the several amounts specified in the following sections, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for salaries, wages, and other expenses of the agencies and offices of the state and for other specified purposes for the fiscal biennium beginning July 1, 1987, and ending June 30, 1989, except as otherwise provided, out of the several funds of the state hereinafter named.

(2) Unless the context clearly requires otherwise, the definitions in this section apply throughout this act.

(a) "Fiscal year 1988" or "FY 1988" means the fiscal year ending June 30, 1988.

(b) "Fiscal year 1989" or "FY 1989" means the fiscal year ending June 30, 1989.

(c) "Provided solely" means the specified amount may be spent only for the specified purpose. Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose which is unnecessary to fulfill the specified purpose shall revert.

(d) "Revert" or "lapse" means the amount shall return to an unappropriated status.

(e) "FTE" means full time equivalent.

(3) Agencies receiving appropriations under this act shall not initiate any services that will require expenditure of state general fund moneys except as expressly authorized in this act unless the services were provided on March 1, 1987. Agencies may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act and, in the case of unanticipated unrestricted federal moneys, as long as an equal amount of appropriated state general fund moneys is placed in a reserve status. Unrestricted federal moneys shall be used, to the maximum extent permitted under federal law, to replace state general fund moneys appropriated under this act for the biennium ending June 30, 1989. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on explicitly defined projects or matched on a formula basis by state funds.

(4) The legislature intends to establish a contingency fund of \$100,000,000 in the 1988 legislative session through cost reductions and efficiencies in state government agencies. The Washington state commission for efficiency and accountability in government, established under Substitute House Bill No. 833, shall report to the legislature no later than December 31, 1987, with recommendations identifying savings in state government general funds. The 1988 legislature shall consider said recommendations with a goal of establishing a revenue balance of no less than \$100,000,000.

## PART I

## GENERAL GOVERNMENT

**NEW SECTION.** Sec. 101. FOR THE HOUSE OF REPRESENTATIVES

General Fund Appropriation .....	\$	44,349,000
----------------------------------	----	------------

**NEW SECTION.** Sec. 102. FOR THE SENATE

General Fund Appropriation .....	\$	29,631,000
----------------------------------	----	------------

**NEW SECTION.** Sec. 103. FOR THE LEGISLATIVE BUDGET COMMITTEE

General Fund Appropriation .....	\$	1,880,000
----------------------------------	----	-----------

The appropriation in this section is subject to the following conditions and limitations:

(1) The legislative budget committee shall conduct a performance audit on the office of the superintendent of public instruction with emphasis on identifying:

(a) Data collection and dissemination goals, policies, procedures, and management;

(b) Duplication of services provided and programs delivered among local districts, educational service districts, the superintendent of public instruction, and, where possible, the private sector; and

(c) Cost efficiencies in carrying out the responsibilities of the office of the superintendent of public instruction.

(2) The legislative budget committee shall report its findings and recommendations under subsection (1) of this section to the senate and house of representatives ways and means committees at the beginning of the 1989 legislative session. Recommendations shall include, but not be limited to:

- (a) Ways to reduce reporting and paperwork at the local district level;
- (b) Consolidation of reports, where practical;
- (c) Ways to reduce duplication of effort and program delivery; and
- (d) Other potential cost efficiencies.

**NEW SECTION, Sec. 104. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE**

General Fund Appropriation . . . . . \$ 2,503,000

The appropriation in this section is subject to the following conditions and limitations: The committee shall conduct a study of the common school state-wide data reporting system, including information on class size in kindergarten through twelfth grade. \$100,000 of the general fund appropriation is provided solely to contract with the institute of public policy and management of the University of Washington to conduct research associated with the study. The institute shall work closely with the superintendent of public instruction and the office of financial management to prepare a report to the legislature by December 1, 1988, regarding its findings and recommendations.

**NEW SECTION, Sec. 105. FOR THE JOINT LEGISLATIVE SYSTEMS COMMITTEE**

General Fund Appropriation . . . . . \$ 5,524,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation shall be transferred to the legislative systems revolving fund.

**NEW SECTION, Sec. 106. FOR THE STATUTE LAW COMMITTEE**

General Fund Appropriation . . . . . \$ 5,394,000

**NEW SECTION, Sec. 107. FOR THE SUPREME COURT**

General Fund Appropriation . . . . . \$ 10,678,000

The appropriation in this section is subject to the following conditions and limitations: \$3,337,000 is provided solely for the indigent appeals program.

**NEW SECTION, Sec. 108. FOR THE LAW LIBRARY**

General Fund Appropriation . . . . . \$ 2,574,000

**NEW SECTION, Sec. 109. FOR THE COURT OF APPEALS**

General Fund Appropriation . . . . . \$ 12,013,000

**NEW SECTION, Sec. 110. FOR THE ADMINISTRATOR FOR THE COURTS**

General Fund Appropriation . . . . . \$ 21,588,000

Public Safety and Education Account Appropriation . . . . . \$ 18,828,000

Total Appropriation . . . . . \$ 40,416,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$4,162,000 of the general fund appropriation is provided solely for the continuation of the treatment alternatives to street crime programs in Pierce, Snohomish, Clark, King, Spokane, and Yakima counties.

(2) \$296,000 of the general fund appropriation is provided solely for allocation to the superior court of Thurston county to relieve the impact of litigation involving the state of Washington.

(3) \$50,000 of the public safety and education account appropriation is provided solely for the administrator for the courts to initiate measures to prevent gender and minority bias in the courts. Such measures shall include but not be limited to:

(a) A study of the status of women and minorities as litigants, attorneys, judges, and court employees;

(b) Recommendations for implementing reform; and

(c) Providing attitude awareness training for judges and legal professionals.

(4) \$260,000 of the general fund—state appropriation is provided solely for the Snohomish County preprosecution diversion program.

**NEW SECTION, Sec. 111. FOR THE JUDICIAL QUALIFICATIONS COMMISSION**

General Fund Appropriation . . . . . \$ 477,000

**NEW SECTION, Sec. 112. FOR THE OFFICE OF THE GOVERNOR**

General Fund Appropriation—State . . . . . \$ 5,260,000

General Fund Appropriation—Federal . . . . . \$ 500,000

Total Appropriation . . . . . \$ 5,760,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$167,000 of the general fund—state appropriation is provided solely for mansion maintenance.

(2) \$389,000 of the general fund—state appropriation is provided solely for extradition expenses to carry out RCW 10.34.030, providing for the return of fugitives by the governor, including prior claims, and for extradition-related legal services as determined by the attorney general.

**NEW SECTION, Sec. 113. FOR THE LIEUTENANT GOVERNOR**

General Fund Appropriation . . . . . \$ 363,000

**NEW SECTION, Sec. 114. FOR THE SECRETARY OF STATE**

General Fund Appropriation . . . . . \$ 6,374,000

Archives and Records Management Account Appropriation . . . . . \$ 2,116,000

Total Appropriation . . . . . \$ 8,490,000



The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,021,000 of the general fund appropriation is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures.

(2) \$1,661,000 of the general fund appropriation is provided solely for the verification of initiative and referendum petitions and the maintenance of related voter registration records, legal advertising of state measures, and the publication and distribution of the voters and candidates pamphlet.

(3) \$60,000 of the archives and records management account appropriation is provided solely for a project that will evaluate the need for, and potential archival requirements of, storage of data contained in magnetic media (tapes and disks). Implementation of an archival program for magnetic media shall not begin prior to approval of the findings and recommendations of the project by the office of financial management.

NEW SECTION, Sec. 115. FOR THE COMMISSION ON HISPANIC AFFAIRS

General Fund Appropriation .....	\$	280,000
----------------------------------	----	---------

The appropriation in this section is subject to the following conditions and limitations: \$49,000 is provided solely to meet additional workload associated with the federal immigration reform and control act.

NEW SECTION, Sec. 116. FOR THE COMMISSION ON ASIAN-AMERICAN AFFAIRS

General Fund Appropriation .....	\$	285,000
----------------------------------	----	---------

NEW SECTION, Sec. 117. FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS

General Fund Appropriation .....	\$	241,000
----------------------------------	----	---------

NEW SECTION, Sec. 118. FOR THE STATE TREASURER

Motor Vehicle Fund Appropriation .....	\$	45,000
State Treasurer's Service Fund Appropriation .....	\$	9,080,000
Total Appropriation .....	\$	9,125,000

Motor Vehicle Fund Appropriation .....	\$	45,000
State Treasurer's Service Fund Appropriation .....	\$	9,080,000
Total Appropriation .....	\$	9,125,000

NEW SECTION, Sec. 119. FOR THE STATE AUDITOR

General Fund Appropriation .....	\$	832,000
Motor Vehicle Fund Appropriation .....	\$	287,000
Municipal Revolving Fund Appropriation .....	\$	14,733,000
Auditing Services Revolving Fund Appropriation .....	\$	9,359,000
Total Appropriation .....	\$	25,211,000

General Fund Appropriation .....	\$	832,000
Motor Vehicle Fund Appropriation .....	\$	287,000
Municipal Revolving Fund Appropriation .....	\$	14,733,000
Auditing Services Revolving Fund Appropriation .....	\$	9,359,000
Total Appropriation .....	\$	25,211,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$180,000 of the auditing services revolving fund appropriation is provided solely to perform multi-agency audits of fixed assets, capital construction projects, and lease acquisitions and to perform deferred audits of state agencies.

(2) \$609,000 of the audit services revolving fund appropriation is provided solely for additional workload associated with the federal single audit act.

NEW SECTION, Sec. 120. FOR THE ATTORNEY GENERAL

General Fund Appropriation .....	\$	5,143,000
Legal Services Revolving Fund Appropriation .....	\$	46,142,000
Total Appropriation .....	\$	51,285,000

Legal Services Revolving Fund Appropriation .....	\$	46,142,000
Total Appropriation .....	\$	51,285,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$840,000 of the legal services revolving fund appropriation is provided solely to support additional attorneys to defend an increased number of cases expected from an increase in the number of industrial appeals board staff.

(2) \$10,233,000 of the legal services revolving fund appropriation is provided solely for legal services augmentation; of which a maximum of \$3,933,000, including the state-wide salary increase allocation, is for salary increases consistent with the Price Waterhouse recommendation of March 19, 1987, for assistant attorneys general, \$5,000,000 is for additional funding for the defense of tort actions, \$400,000 is for increased legal services for the department of corrections and the indeterminate sentence review board, \$200,000 is for increased legal services for the department of ecology, \$200,000 is for increased legal services for the department of transportation, and \$500,000 is for increased legal services for the department of licensing.

(3) Pursuant to chapter 365, Laws of 1985, the attorney general shall transmit to the judiciary committees of the senate and house of representatives and the human rights commission by January 1, 1988, and by January 1 of every year thereafter a progress report which states the agency's progress in meeting its affirmative action goals and timetables. The agency's goals for assistant attorneys general and other exempt employees shall be based on the percentage of each and every minority group's representation in the state labor force population.

NEW SECTION, Sec. 121. FOR THE OFFICE OF FINANCIAL MANAGEMENT

General Fund Appropriation—State .....	\$	18,168,000
General Fund Appropriation—Federal .....	\$	60,000
Motor Vehicle Fund Appropriation .....	\$	100,000
Medical Aid Fund Appropriation .....	\$	98,000
Local Jail Improvement and Construction Fund Appropriation .....	\$	780,000
Total Appropriation .....	\$	19,206,000

General Fund Appropriation—State .....	\$	18,168,000
General Fund Appropriation—Federal .....	\$	60,000
Motor Vehicle Fund Appropriation .....	\$	100,000
Medical Aid Fund Appropriation .....	\$	98,000
Local Jail Improvement and Construction Fund Appropriation .....	\$	780,000
Total Appropriation .....	\$	19,206,000

Motor Vehicle Fund Appropriation .....	\$	100,000
Medical Aid Fund Appropriation .....	\$	98,000
Local Jail Improvement and Construction Fund Appropriation .....	\$	780,000
Total Appropriation .....	\$	19,206,000

Medical Aid Fund Appropriation .....	\$	98,000
Local Jail Improvement and Construction Fund Appropriation .....	\$	780,000
Total Appropriation .....	\$	19,206,000

Local Jail Improvement and Construction Fund Appropriation .....	\$	780,000
Total Appropriation .....	\$	19,206,000

Total Appropriation .....	\$	19,206,000
---------------------------	----	------------

The appropriations in this section are subject to the following conditions and limitations:

(1) \$40,000 of the general fund—state appropriation is provided solely for the services of an actuarial consultant.

(2) Reports required to be submitted to the legislature or its committees by dates specified in this act shall be submitted by such dates, notwithstanding time necessary for review by the office of financial management. For agencies under the authority of the governor, the office may require submission of draft reports for its review prior to the dates required for submission to the legislative branch.

(3) By January 1, 1988, the office of financial management shall submit a report to the committees on ways and means of the senate and house of representatives describing a system to control the initial acquisition and replacement of furniture and equipment by state agencies. The system shall include proposed criteria for justifying furniture and equipment purchases by state agencies, a uniform accounting and reporting system for such purchases, and a centralized inventory and acquisition system that would fill state agency furniture and equipment requests from existing inventory before new purchases are allowed. The report shall include recommended legislation, if appropriate.

(4) \$135,000 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 developed jointly and in cooperation with the state board of education and the superintendent of public instruction and 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.

(5) \$205,000, of which \$145,000 is from the general fund—state appropriation, is provided solely for the purposes of implementing the agency's responsibilities under Substitute House Bill No. 738. If Substitute House Bill No. 738 is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

(6) For agencies for which the governor has allotment authority, the office of financial management shall take such action as is necessary to limit expenditures for personal services contracts, goods and services, travel, and furnishings and equipment to achieve a savings of \$18,000,000 from general fund—state appropriations otherwise provided in this act.

NEW SECTION, Sec. 122. FOR THE OFFICE OF ADMINISTRATIVE HEARINGS

Administrative Hearings Revolving Fund Appropriation ..... \$ 8,752,000

NEW SECTION, Sec. 123. FOR THE STATE INVESTMENT BOARD

State Investment Board Expense Account Appropriation ..... \$ 1,736,000

The appropriation in this section is subject to the following conditions and limitations: \$7,000 is provided solely for services to be provided by the investor responsibility research council.

NEW SECTION, Sec. 124. FOR THE DEPARTMENT OF PERSONNEL

Department of Personnel Service Fund Appropriation ..... \$ 13,618,000

State Employees' Insurance Fund Appropriation ..... \$ 2,164,000

Total Appropriation ..... \$ 15,782,000

The appropriations in this section are subject to the following conditions and limitations: \$150,000 of the state employees' insurance fund appropriation is provided solely for the revision of the automated insurance eligibility system.

NEW SECTION, Sec. 125. FOR THE COMMITTEE FOR DEFERRED COMPENSATION

General Fund Appropriation ..... \$ 354,000

The appropriation in this section is subject to the following conditions and limitations: This appropriation is provided solely for the administration of a state employee salary reduction plan for dependent care assistance. If Engrossed Substitute House Bill No. 844 is not enacted by June 30, 1987, this appropriation shall lapse.

NEW SECTION, Sec. 126. FOR THE PERSONNEL APPEALS BOARD

Department of Personnel Service Fund Appropriation ..... \$ 807,000

NEW SECTION, Sec. 127. FOR THE DATA PROCESSING AUTHORITY

Data Processing Revolving Fund Appropriation ..... \$ 1,268,000

NEW SECTION, Sec. 128. FOR THE WASHINGTON STATE LOTTERY

Lottery Administrative Account Appropriation ..... \$ 43,697,000

The appropriation in this section is subject to the following conditions and limitations: \$27,300,000 of the lottery administrative account appropriation is provided solely for the payment of costs incurred in the purchase and promotion of lottery games. If Engrossed Substitute House Bill No. 26 is enacted without requiring that costs of purchase and promotion of lottery games be paid out of the lottery administrative account, this amount of the appropriation shall lapse.

NEW SECTION, Sec. 129. FOR THE DEPARTMENT OF REVENUE

General Fund Appropriation ..... \$ 63,667,000

Hazardous Waste Control and Elimination Account Appropriation ..... \$ 111,000

Timber Tax Distribution Account Appropriation ..... \$ 3,276,000

State Toxics Control Account Appropriation ..... \$ 106,000

Total Appropriation ..... \$ 67,160,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The hazardous waste control and elimination account appropriation shall lapse if Substitute House Bill No. 434 is enacted by June 30, 1987.

(2) The state toxics control account appropriation shall lapse if Substitute House Bill No. 434 is not enacted by June 30, 1987.

(3) \$100,000 of the general fund appropriation is provided solely to support additional staff to perform tax research and statistical analysis.

(4) If Substitute Senate Bill No. 5293 is enacted by June 30, 1987, the department shall not collect business and occupation tax from adult family homes after the effective date of the bill.

NEW SECTION. Sec. 130. FOR THE BOARD OF TAX APPEALS

General Fund Appropriation .....	\$	1,214,000
----------------------------------	----	-----------

The appropriation in this section is subject to the following conditions and limitations: \$72,070 is provided solely to conduct appeals in eastern Washington and other locations to handle increased appeals from audits and King county board of equalization assessments.

NEW SECTION. Sec. 131. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

General Fund Appropriation—State .....	\$	8,312,000
--	----	-----------

General Fund Appropriation—Federal .....	\$	1,623,000
--	----	-----------

General Fund Appropriation—Private/Local .....	\$	93,000
--	----	--------

Motor Transport Account Appropriation .....	\$	10,925,000
---	----	------------

General Administration Facilities and Services Revolving Fund		
---	--	--

Appropriation .....	\$	19,562,000
---------------------	----	------------

Total Appropriation .....	\$	40,515,000
---------------------------	----	------------

NEW SECTION. Sec. 132. FOR THE OFFICE OF MINORITY AND WOMEN'S BUSINESS

ENTERPRISES

General Fund Appropriation .....	\$	1,937,000
----------------------------------	----	-----------

NEW SECTION. Sec. 133. FOR THE PRESIDENTIAL ELECTORS

General Fund Appropriation .....	\$	1,000
----------------------------------	----	-------

NEW SECTION. Sec. 134. FOR THE INSURANCE COMMISSIONER

Insurance Commissioner's Regulatory Account Appropriation .....	\$	10,205,000
---	----	------------

NEW SECTION. Sec. 135. FOR THE PUBLIC DISCLOSURE COMMISSION

General Fund Appropriation .....	\$	1,229,000
----------------------------------	----	-----------

NEW SECTION. Sec. 136. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—OPERATIONS

Department of Retirement Systems Expense Fund Appropriation .....	\$	20,666,000
---	----	------------

The appropriation in this section is subject to the following conditions and limitations:

(1) \$554,000 is provided solely for data correction and other necessary costs incurred in implementing Engrossed Substitute Senate Bill No. 5150. If this bill is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

(2) Not more than \$877,000 of this appropriation may be expended for the expenses of the office of the state actuary, including interagency reimbursements for services and statutory reports.

NEW SECTION. Sec. 137. FOR THE MUNICIPAL RESEARCH COUNCIL

General Fund Appropriation .....	\$	2,104,000
----------------------------------	----	-----------

NEW SECTION. Sec. 138. FOR THE UNIFORM LEGISLATION COMMISSION

General Fund Appropriation .....	\$	36,000
----------------------------------	----	--------

NEW SECTION. Sec. 139. FOR THE BOARD OF ACCOUNTANCY

General Fund Appropriation .....	\$	415,000
----------------------------------	----	---------

Certified Public Accountant Examination Account Appropriation .....	\$	571,000
---	----	---------

Total Appropriation .....	\$	986,000
---------------------------	----	---------

NEW SECTION. Sec. 140. FOR THE BOXING COMMISSION

General Fund Appropriation .....	\$	105,000
----------------------------------	----	---------

NEW SECTION. Sec. 141. FOR THE CEMETERY BOARD

Cemetery Account Appropriation .....	\$	143,000
--------------------------------------	----	---------

NEW SECTION. Sec. 142. FOR THE HORSE RACING COMMISSION

Horse Racing Commission Fund Appropriation .....	\$	4,293,000
--	----	-----------

The appropriation in this section is subject to the following conditions and limitations:

(1) If there are more than six hundred ninety-eight racing days during the fiscal biennium ending June 30, 1989, the governor is authorized to allocate such additional moneys from the horse racing commission fund as may be required.

(2) No horse racing commission funds may be used for the purpose of certifying Washington-bred horses as required under RCW 67.16.075.

(3) \$70,000 is provided solely for implementation of Substitute House Bill No. 177. If the bill is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

(4) \$160,000 is provided solely for drug testing and two additional security guards. This amount is contingent on the enactment of House Bill No. 831. If the bill is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 143. FOR THE LIQUOR CONTROL BOARD

Liquor Revolving Fund Appropriation .....	\$	87,777,000
---	----	------------

The appropriation in this section is subject to the following conditions and limitations:

(1) At the expiration of the lease of any state liquor store, except in an incorporated city in which more than one liquor store exists, if the yearly average of gross bottle sales falls below 80,000 bottles, that store shall be closed and an agency may be established in its place.

(2) \$60,000 is provided solely for computer programming needed to use the state payroll system.

NEW SECTION. Sec. 144. FOR THE PHARMACY BOARD

General Fund Appropriation ..... \$ 1,343,000

NEW SECTION. Sec. 145. FOR THE UTILITIES AND TRANSPORTATION COMMISSION

Public Service Revolving Fund Appropriation—State ..... \$ 23,712,000

Public Service Revolving Fund Appropriation—Federal ..... \$ 426,000

Grade Crossing Protective Fund Appropriation ..... \$ 320,000

Total Appropriation ..... \$ 24,458,000

The appropriations in this section are subject to the following conditions and limitations: \$975,000 of the public service revolving fund appropriation is provided solely for costs of the attorney general associated with representation of the public before the commission, including but not limited to the costs of special attorneys general, expert witnesses, technical assistance, and consultants.

NEW SECTION. Sec. 146. FOR THE BOARD FOR VOLUNTEER FIREMEN

Volunteer Firemen's Relief and Pension Fund Appropriation ..... \$ 233,000

NEW SECTION. Sec. 147. FOR THE MILITARY DEPARTMENT

General Fund Appropriation—State ..... \$ 7,769,000

General Fund Appropriation—Federal ..... \$ 5,149,000

Total Appropriation ..... \$ 12,918,000

NEW SECTION. Sec. 148. FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

General Fund Appropriation ..... \$ 1,719,000

NEW SECTION. Sec. 149. FOR THE CITIZENS' COMMISSION ON SALARIES FOR ELECTED

OFFICIALS  
General Fund Appropriation ..... \$ 63,000

PART II  
HUMAN SERVICES

NEW SECTION. Sec. 201. FOR THE DEPARTMENT OF CORRECTIONS

(1) COMMUNITY SERVICES

General Fund Appropriation ..... \$ 59,605,000

The appropriation in this subsection is subject to the following conditions and limitations:

(a) \$23,884,000 is provided solely for the operation and/or contracting with nonprofit corporations for work training release for convicted felons.

(b) \$2,071,000 is provided solely for the support of the office of the director of community services.

(c) \$200,000 is provided solely for the notification of victims and witnesses of any parole, work release placement, furlough, or unescorted leave of absence from a state correctional facility of any inmate convicted of a violent offense.

(d) \$854,000 is provided solely for the implementation of the sex offender treatment program for offenders under the jurisdiction of the division of community services as required by Engrossed Second Substitute Senate Bill No. 5086.

(e) A maximum of \$285,000 may be spent for the replacement of used equipment within the community services division.

(2) INSTITUTIONAL SERVICES

General Fund Appropriation ..... \$ 269,824,000

The appropriation in this subsection is subject to the following conditions and limitations:

(a) \$1,725,000 is provided solely for the implementation of the sex offender treatment program within the division of prisons.

(b) \$1,049,000 is provided solely for the operation of the new in-patient floor at the Monroe reformatory hospital.

(c) \$5,369,000 is provided solely for the support of the office of the director of the division of prisons.

(d) A maximum of \$1,898,000 may be spent for the replacement of used equipment within the institutional services division.

(3) ADMINISTRATION AND PROGRAM SUPPORT

General Fund Appropriation ..... \$ 17,961,000

Institutional Impact Account Appropriation ..... \$ 317,000

Total Appropriation ..... \$ 18,278,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department shall report to the ways and means committees of the senate and house of representatives on January 1, 1988, and January 1, 1989, regarding its progress toward employing more minorities and women in top-level management positions.

(b) A maximum of \$1,258,000 of the general fund appropriation may be transferred to the tort claims revolving fund for tort claims against the department. The department shall develop a report, including brief descriptions and estimated amounts of all outstanding tort claims. The

report is due to the ways and means committees of the senate and house of representatives on January 1, 1988. During the 1987-89 biennium, the department shall report on a quarterly basis the tort claim payments resulting from settlements and court judgments. New claims against the state shall be included in the quarterly updates.

(c) At least \$1,000,000 of the general fund appropriation in subsections (1) and (2) of this section shall be spent to provide and contract for drug and alcohol treatment services for offenders in institutions and/or work release facilities.

(d) A maximum of \$150,000 may be spent for the replacement of used equipment within the administration division.

#### (4) INSTITUTIONAL INDUSTRIES

General Fund Appropriation ..... \$ 2,268,000

The appropriation in this subsection is subject to the following conditions and limitations: A maximum of \$500,000 may be spent for the replacement of used equipment within the institutional industries division.

#### NEW SECTION, Sec. 202. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(1) For the purposes of caseload administrative control, the department shall expand mandatory monthly reporting to cover at least thirty percent of the aid to families with dependent children—regular and aid to families with dependent children—employable case-loads with the goal of attaining a biennial savings of \$12,500,000 of general fund—state moneys in income assistance grant payments, medical assistance costs, and administrative staff. The department shall report to the ways and means committees of the senate and house of representatives by January 15, 1988, on progress toward achieving the goal enumerated in this subsection, including a report on the methods adopted to accomplish reporting requirements in the most economical and effective manner.

(2) Appropriations made in this act to the department of social and health services shall be initially allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act, nor shall allotment modifications permit moneys which are provided solely for a specified purpose to be used for other than that purpose.

(3) The department of social and health services shall not initiate any services that will require expenditure of state general fund moneys except as expressly authorized in this act, unless the services were provided on March 1, 1987. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act, and an equal amount of appropriated state general fund moneys shall lapse. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on explicitly defined projects or matched on a formula basis by state funds.

(4) The department of social and health services is authorized to expend federal funds made available by the federal immigration reform and control act, P.L. 99-603, for the purposes contained in that act.

(5) The department of social and health services shall not revise eligibility criteria for any of its programs or services in a manner which will increase the number of eligible persons or the general fund—state expenditures for the program or service unless specifically authorized by this act. To the extent that revisions to eligibility criteria are required by federal or state statute or court order, including the setting of need standards for public assistance recipients, such revisions shall be reviewed by appropriate committees of the legislature prior to implementation.

(6) If Engrossed Senate Bill No. 5097 is enacted by June 30, 1987, the department shall administer the lifeline fund established under the bill and shall recover its administrative costs from the fund. Payments to local exchange companies shall not exceed amounts available in the lifeline fund.

(7) The department shall implement the plan for performance-based contracts developed under sections 203(6) and 204(1)(c), chapter 6, Laws of 1985 ex. sess., whereby a portion of vendor payments for private group care and other community residential placements shall reflect achievement of client outcome standards. The department shall report on implementation of the plan to the ways and means committees of the senate and house of representatives by December 15, 1987, and December 15, 1988.

(8) The appropriations in sections 203, 208, 210, 213, 214, and 215 of this act shall be expended as provided in each section, except that the department may expend money, appropriated for other purposes, for the family independence program only after approval by the director of financial management. The director of financial management shall notify the ways and means committees of the senate and house of representatives regarding deviation from the legislative program appropriation levels.

(9) The department shall report monthly unit cost performance data for all budget units, including comparisons to previous periods, to the legislative evaluation and accountability program committee on a quarterly basis.

NEW SECTION. Sec. 203. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—  
CHILDREN AND FAMILY SERVICES PROGRAM

General Fund Appropriation—State .....	\$	165,009,000
General Fund Appropriation—Federal .....	\$	58,552,000
Total Appropriation .....	\$	223,561,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Vendor rate increases shall average 2.0 percent on September 1, 1987, and 4.0 percent on September 1, 1988. Department contracts for group home services, therapeutic day care, seasonal day care, and domestic violence shelters shall provide for and assure payment of compensation for staff of no less than \$4.76 per hour beginning September 1, 1987, and \$5.15 per hour beginning September 1, 1988.

(2) \$7,500,000 of the general fund—state appropriation is provided solely for the improvement of services to protect children. \$5,035,000 of the amount provided in this subsection is provided solely for increased child protective services and child welfare casework staff, necessary support and supervisory staff, and assistant attorneys general to provide legal services for child protective services cases. The department shall conduct intensive recruitment and priority hiring of qualified multi-ethnic casework staff. \$40,000 of the amount provided in this subsection is provided solely for training for child protective services and child welfare staff who investigate and serve child abuse and neglect cases. \$2,425,000 of the amount provided in this subsection is provided solely to implement by July 1, 1988, the provisions of Engrossed Second Substitute House Bill No. 586 which establish a pilot project in order to guide the state in developing a comprehensive system of children and family services. If the bill is not enacted by June 30, 1987, this amount shall lapse. The department shall report to the ways and means and human services committees of the senate and house of representatives on implementation of this section by January 15, 1988. The report shall include the following information:

(a) The effectiveness of providing additional casework, support staff, and other services provided in this section in reducing and refocusing the workload of child protective services caseworkers;

(b) The impact on caseloads of hiring child protective services support staff, including clerical support, assistant attorneys general, eligibility determination specialists, and public health nurses; and

(c) The number and classifications of staff and the level and types of additional services for which the moneys in this section are used.

(3) \$1,000,000 of the general fund—state appropriation is provided solely for the expansion of therapeutic day care.

(4) \$2,160,000 of the general fund—state appropriation is provided solely for public health nurses to provide prevention and early intervention services for the protection of children, and to assist in the investigation of low-risk child abuse and neglect referrals.

(5) \$600,000 of the general fund—state appropriation is provided solely to increase private agency fees in connection with foster care placements, effective July 1, 1987.

(6) \$400,000 of the general fund—state appropriation is provided solely for expansion of current contracted community services to prevent the occurrence or recurrence of family conflict, abuse, or out-of-home placements.

(7) \$1,000,000 of the general fund—state appropriation is provided solely for training and support for families providing foster care services.

(8) \$300,000 of the general fund—state appropriation is provided solely to fund counseling, education, and support for victims of sexual abuse.

(9) \$500,000 of the general fund—state appropriation is provided solely to increase contracted Indian child welfare services.

(10) \$1,298,000 of the general fund—state appropriation is provided solely for financial eligibility workers to ensure that every child in foster care who is eligible for federal financial participation under Title IV, Part B, or Title IV, Part E of the federal social security act is identified. Any federal moneys generated by this activity in excess of the amount appropriated in this section shall be expended for foster care services and a like amount of state moneys shall lapse.

(11) \$93,000 of the general fund—state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 6013. If the bill is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

(12) A maximum of \$332,000, of which \$275,000 is from the general fund—state appropriation, and 7.8 full time equivalent staff may be transferred from the division of children and family services to the administration and supporting services program to consolidate the social service payment system. If this transfer affects the comparability of historical expenditure information at the program, category, or budget-unit level, the department shall reconstruct historical data for the preceding six years.

(13) \$125,000 is provided solely for the purpose of implementing Engrossed Second Substitute Senate Bill No. 5252. If Engrossed Second Substitute Senate Bill No. 5252 is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

(14) \$33,300,000, of which \$20,100,000 is from the general fund—state appropriation, is provided solely for day care programs.

**NEW SECTION, Sec. 204. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—  
JUVENILE REHABILITATION PROGRAM**

(1) COMMUNITY SERVICES

General Fund Appropriation—State .....	\$	27,988,000
General Fund Appropriation—Federal .....	\$	78,000
Total Appropriation .....	\$	28,066,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Vendor rate increases shall average 2.0 percent on September 1, 1987, and 4.0 percent on September 1, 1988. Privately contracted group home providers shall provide for and assure payment of compensation for staff of no less than \$4.76 per hour beginning September 1, 1987, and \$5.15 per hour beginning September 1, 1988.

(b) The seven state-operated group homes shall collectively average 100 youths in residential status per month. Residential status includes youths in actual residence, those on leave up to 14 days, and those in the process of being transferred or paroled. If the average number of youths in residential status falls below 100 per month, the general fund—state support shall be reduced by an average monthly amount per resident as determined by the office of financial management.

(2) INSTITUTIONAL SERVICES

General Fund Appropriation—State .....	\$	44,385,000
General Fund Appropriation—Federal .....	\$	890,000
Total Appropriation .....	\$	45,275,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$536,000 of the general fund—state appropriation is provided solely for the implementation of a mentally ill offender unit at Echo Glen children's center.

(b) The department shall develop a ten-year plan to include operating and capital costs of using Green Hill school to house level I and the more serious level II offenders. The plan may include other viable options to handle the increasing numbers of violent offenders entering the juvenile rehabilitation institutions. The plan shall be presented to the ways and means committees of the senate and house of representatives by January 15, 1988.

(3) PROGRAM SUPPORT

General Fund Appropriation—State .....	\$	2,788,000
--	----	-----------

**NEW SECTION, Sec. 205. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—  
MENTAL HEALTH PROGRAM**

(1) COMMUNITY SERVICES

General Fund Appropriation—State .....	\$	118,088,000
General Fund Appropriation—Federal .....	\$	42,363,000
General Fund Appropriation—Local .....	\$	1,580,000
Total Appropriation .....	\$	162,031,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Vendor rate increases shall average 2.0 percent on September 1, 1987, and 4.0 percent on September 1, 1988. Community mental health centers and residential services providers shall provide for and assure payment of compensation for staff of no less than \$4.76 per hour beginning September 1, 1987, and \$5.15 per hour beginning September 1, 1988.

(b) \$2,690,000, of which \$2,383,000 is from the general fund—state appropriation is provided solely for the Kitsap mental health services residential treatment alternative project. The state reimbursement rate shall not exceed \$200 per client day and treatment for individual clients shall not exceed 180 days. All eligible involuntary treatment referrals shall be made to the project. No involuntary treatment referrals of Kitsap county residents may be made to Western state hospital. The maximum reimbursement rate to Kitsap county hospitals shall be \$250 per day per patient. Within the amount provided in this subsection, in an effort to reduce commitments to psychiatric hospitals and evaluation and treatment facilities, \$500,000, of which \$443,000 is from the general fund—state appropriation, is provided solely for a Kitsap mental health services outreach case management team. The services provided shall include participation with the court in formulation of conditions of conditional release and less restrictive alternative placement, participation in development of an individualized treatment plan with the treatment team, assistance with housing, financial management, medication management, nutrition, system advocacy, mental health services and monitoring the person receiving treatment to ensure that the person abides by the requirements of the person's individualized treatment plan. The case managers shall be mental health professionals, or shall be supervised by mental health professionals as defined in RCW 71.05.020(11). Kitsap mental health services shall participate in the state and county client tracking system required by RCW 71.24.035(4)(h) and 71.24.045(6). Kitsap mental health services shall provide quarterly reports to the committees on ways and means of the senate and house of representatives describing the numbers and characteristics of clients served and the resulting diversions from psychiatric hospitals and evaluation and treatment facilities. In addition, the department shall present an annual report

to the same legislative committees by January 1, 1988, and January 1, 1989, indicating progress made toward meeting the long-term residential bed needs of Kitsap county.

(c) \$4,375,000, of which \$3,500,000 is from the general fund—state appropriation, is provided solely for a state-wide pilot demonstration project as provided for in Second Substitute Senate Bill No. 5074. These funds include 2 percent for costs of administration for participating counties. The plan for the pilot project shall be developed by the department in cooperation with interested counties, mental health providers, other interested members of the community, and legislative staff and shall be submitted to the legislature by September 1, 1987. The plan shall include specific criteria for inclusion in the project for counties choosing to participate and shall meet the conditions set forth in Second Substitute Senate Bill No. 5074. The plan shall provide for evaluation of the effects of case management on the treatment of involuntarily committed persons. The evaluation shall incorporate an experimental design. Evaluation support of no more than \$125,000 of the general fund—state appropriation is from the emergency and technical assistance funds provided for in RCW 71.24.155. The plan shall assure that case management services are administered in a manner which recognizes client needs within the availability of funds provided in this subsection (d). If Second Substitute Senate Bill No. 5074 is not enacted by June 30, 1987, the amount provided in this subsection shall be provided solely for case management services for persons ordered to a fourteen-day less restrictive treatment setting as provided for in RCW 71.05.240.

(d) \$1,000,000 of the general fund—state appropriation is provided solely for the support of involuntary treatment act administration.

(e) The mental health division, in conjunction with county officials and other affected parties, shall develop a fair and equitable formula for distributing involuntary treatment act administration funding to counties. The formula shall incorporate workload estimates and any other relevant factors required to reflect actual county administration costs. The mental health division shall present the proposed formula to the ways and means committees of the senate and house of representatives by November 15, 1987. Implementation of the formula may take effect immediately after legislative review but no later than January 1, 1988. Of the funding provided in this section for involuntary treatment act administration, \$3,400,000 is placed in reserve status pending legislative review of the new formula. No county allocation of funds for fiscal year 1988 may be less than its fiscal year 1987 allocation. Counties shall continue to fund current maintenance of effort funding levels during the ensuing biennium.

(f) Grants to counties for community mental health programs shall total not less than \$56,457,000 of the general fund—state appropriation under RCW 71.24.155. Of this amount, \$2,000,000 is provided solely to expand outpatient treatment of children through the community mental health system.

(g) \$480,000 of the general fund—state appropriation is provided solely for continuation of the community psychiatric training program at the University of Washington.

(2) INSTITUTIONAL SERVICES

General Fund Appropriation—State .....	\$	150,711,000
General Fund Appropriation—Federal .....	\$	7,962,000
Total Appropriation .....	\$	158,673,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department shall prepare a transition plan for moving clients served by the program for adaptive living at Western state hospital into community residential facilities beginning on July 1, 1988. The transition plan shall include a list of qualified vendors and an appropriate amount of funding to be transferred from Western state hospital to cover the cost of establishing and operating community residential treatment beds. It is the intent of the legislature to provide community residential services in local noninstitutional settings. No other community residential programs may be established on the grounds of state mental institutions.

(b) \$300,000 of the general fund—state appropriation is provided solely for equipment and operating costs related to two additional PORTAL cottages on the Northern state hospital campus. Of this amount, a maximum of \$44,000 may be used to contract with local community mental health centers to provide services to clients who have exited the PORTAL program and reside locally in the community.

(c) The legislative budget committee shall evaluate the PORTAL program as to its treatment outcomes and general effectiveness. The legislative budget committee shall report its findings to the senate and house of representatives ways and means committees by December 1, 1987.

(3) PROGRAM SUPPORT

General Fund Appropriation—State .....	\$	3,477,000
General Fund Appropriation—Federal .....	\$	1,341,000
Total Appropriation .....	\$	4,818,000

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 non-profit agencies that provide technical assistance to state agencies, mental health education programs, outreach and family support, and self-help support groups, provided that this appropriation is matched in-kind.



## (4) SPECIAL PROJECTS

General Fund Appropriation—Federal	\$	1,059,000
NEW SECTION, Sec. 206. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES— DEVELOPMENTAL DISABILITIES PROGRAM		

## (1) COMMUNITY SERVICES

General Fund Appropriation—State	\$	79,042,000
General Fund Appropriation—Federal	\$	62,027,000
Total Appropriation	\$	141,069,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$278,000 of the general fund—state appropriation is provided solely for the deaf-blind service center.

(b) The division of developmental disabilities shall fund the DECOD dental program at the University of Washington with \$224,000 of the general fund—state appropriation.

(c) The secretary may transfer funds between the appropriations in subsections (1) and (2) of this section in order to provide program options as authorized in RCW 72.33.125. Any transfer of funds shall not reduce the level of services to existing clients.

(d) \$2,600,000, of which \$2,185,000 is from the general fund—state appropriation, is provided solely for existing county contracted employment programs for the developmentally disabled.

(e) \$1,169,000 is appropriated solely for the division of developmental disabilities to contract for an additional twenty-four group home beds and associated services in King county.

(f) Vendor rate increases shall average 2.0 percent on September 1, 1987, and 4.0 percent on September 1, 1988. Respite care providers shall provide for and assure payment of compensation for staff of no less than \$4.76 per hour beginning September 1, 1987, and \$5.15 per hour beginning September 1, 1988.

## (2) INSTITUTIONAL SERVICES

General Fund Appropriation—State	\$	100,602,000
General Fund Appropriation—Federal	\$	94,921,000
Total Appropriation	\$	195,523,000

## (3) SPECIAL PROJECTS

General Fund Appropriation—Federal	\$	1,199,000
Total Appropriation	\$	1,199,000

## (4) PROGRAM SUPPORT

General Fund Appropriation—State	\$	3,991,000
General Fund Appropriation—Federal	\$	479,000
Total Appropriation	\$	4,470,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) A maximum of \$46,000, of which \$38,000 is from the general fund—state appropriation, and two biennial full time equivalent staff may be transferred from the division of developmental disabilities to the administration and supporting services program to consolidate the social service payment system. If this transfer affects the comparability of historical expenditure information at the program, category, or budget-unit level, the department shall reconstruct historical data for the preceding six years.

(b) The appropriations in this section are subject to the following conditions and limitations: If Engrossed Second Substitute House Bill No. 221 is enacted before June 30, 1987, the department is authorized to expend the proceeds of the telecommunication devices for the deaf excise tax established under the bill for the distribution and maintenance of telecommunication devices, signal devices, and amplifying accessories to hearing-impaired persons as provided in the bill.

NEW SECTION, Sec. 207. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—  
LONG-TERM CARE SERVICES

General Fund Appropriation—State	\$	326,755,000
General Fund Appropriation—Federal	\$	333,612,000
Total Appropriation	\$	660,367,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall provide an integrated system of long-term care services which will allow for the most efficient, equitable, and appropriate use of available resources. The department shall endeavor to provide these services in the least restrictive and most cost-effective manner appropriate for individual clients.

(2) Vendor rate increases shall average 2.0 percent on September 1, 1987, and 4.0 percent on September 1, 1988, for the adult residential care, adult day health, and senior citizens services act programs.

(3) Department-contracted chore services shall provide for and assure payment of compensation for staff of no less than \$4.76 per hour beginning September 1, 1987, and \$5.15 per hour beginning September 1, 1988. Department reimbursement to clients for attendant care and services provided by the community options program entry system shall provide for and assure payment of a monthly rate equivalent to \$4.76 per hour for full time employment beginning September 1, 1987, and \$5.15 per hour for full time employment beginning September 1,

1988. If Engrossed Second Substitute House Bill No. 1006 is enacted before July 1, 1987, department-contracted nursing homes shall provide for and assure payment of compensation for staff of no less than \$4.76 per hour beginning January 1, 1988, and \$5.15 per hour beginning January 1, 1989.

(4) Nursing home rates shall be adjusted for inflation under RCW 74.46.495 by 3.7 percent on July 1, 1987 and 3.6 percent on July 1, 1988.

(5) \$650,000, of which \$312,000 is from the general fund—state appropriation, is provided solely for laundry services to state clients residing in skilled nursing facilities and intermediate care facilities.

(6) Grant payment standards shall be increased by 2.0 percent on September 1, 1987 and 4.0 percent on September 1, 1989, for adult residential care clients.

(7) \$1,090,000 of the general fund—state appropriation is provided solely for the respite care demonstration project.

(8) At least \$14,766,000 of the general fund—state appropriation shall be initially allotted for implementation of the senior citizens services act. At least 7 percent of the amount allotted for the senior citizens services act in each fiscal year shall be used for programs that utilize volunteer workers for the provision of chore services to persons whose need for chore services is not being met by the chore services program.

**NEW SECTION, Sec. 208. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—  
INCOME ASSISTANCE PROGRAM**

General Fund Appropriation—State	\$ 456,961,000
General Fund Appropriation—Federal	\$ 436,034,000
<b>Total Appropriation</b>	<b>\$ 892,995,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) Vendor rate increases shall average 2.0 percent on September 1, 1987, and 4.0 percent on September 1, 1988.

(2) The department shall continue the aid to families with dependent children program for two-parent families through June 30, 1989.

(3) The department shall adopt by rule medical criteria for general assistance eligibility to ensure that eligibility decisions are consistent with statutory requirements and are based on clear, objective medical information.

(a) The process implementing such medical criteria shall involve consideration of opinions of the treating or consulting physicians or health care professionals regarding incapacity, and any eligibility decision which rejects uncontradicted medical opinion must set forth clear and convincing reasons for doing so.

(b) Recipients of general assistance who remain otherwise eligible shall not have their benefits terminated absent a clear showing of material improvement in their medical or mental condition or specific error in the prior determination that found the recipient eligible by reason of incapacitation.

(4) \$5,316,000, of which \$2,658,000 is from the general fund—state appropriation, is provided solely to increase day care, transportation, and other support services for participants in the opportunities program.

(5) Payment levels in the aid to families with dependent children, general assistance, and refugee assistance programs shall contain an energy allowance to offset the costs of energy and such allowance shall be excluded from consideration as income for the purpose of determining eligibility and benefit levels of the food stamp program to the maximum extent such exclusion is authorized under federal law and RCW 74.08.046. To this end, up to \$150,000,000 is so designated for exemptions of the following amounts:

Family size:	1	2	3	4	5	6	7	8 or more
Exemption:	\$30	39	46	56	63	72	84	92

**NEW SECTION, Sec. 209. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—  
COMMUNITY SOCIAL SERVICES PROGRAM**

General Fund Appropriation—State	\$ 62,580,000
General Fund Appropriation—Federal	\$ 16,466,000
General Fund Appropriation—Local	\$ 166,000
<b>Total Appropriation</b>	<b>\$ 79,212,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) Vendor rate increases shall average 2.0 percent on September 1, 1987, and 4.0 percent on September 1, 1988.

(2) \$195,000 of the general fund—state appropriation is provided solely to increase the annual base level of grants for county alcohol and drug abuse treatment services to \$40,000 per county.

(3) \$24,565,000 of the general fund—state appropriation is provided solely for implementation of Substitute House Bill No. 646, establishing the alcohol and drug addiction treatment and support act. If Substitute House Bill No. 646 is not enacted by July 1, 1987, the funds in this subsection shall be transferred to the division of income assistance.

(4) The department shall provide shelter services under Substitute House Bill No. 646 to any individual requesting such services who meets the eligibility criteria established under that act.

(5) The department shall report to the appropriate committees of the legislature by January 5, 1988, on implementation of the alcohol and drug addiction treatment and shelter act. The report shall include at least the following information:

(a) The number of persons receiving client assessment services, including the number receiving assistance in the application process for supplemental security income benefits;

(b) The number of persons receiving treatment services, including the number receiving inpatient and outpatient treatment, and the number receiving a living allowance while undergoing outpatient treatment;

(c) The number of persons receiving shelter services and the type of shelter services provided;

(d) The number of applicants for general assistance payments referred to the program and the number of recipients of general assistance transferred to the program; and

(e) An assessment of the need to revise projected funding levels of \$2,700,000 for client assessment services, \$11,378,000 for treatment services, and \$10,487,000 for shelter services.

**NEW SECTION, Sec. 210. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—  
MEDICAL ASSISTANCE PROGRAM**

General Fund Appropriation—State .....	\$	511,589,000
General Fund Appropriation—Federal .....	\$	471,180,000
Total Appropriation .....	\$	982,769,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$9,250,000 of the general fund—state appropriation and \$11,296,000 of the general fund—federal appropriation are provided solely for an adult dental program which may be provided to Title XIX categorically eligible and medically needy persons. The \$9,250,000 general fund—state appropriation may be transferred to the public health program for expansion of dental services provided by public and private community health clinics if the department chooses not to seek matching funds under Title XIX.

(2) \$8,338,000 of the general fund—state appropriation and \$9,823,000 of the general fund—federal appropriation are provided solely for medical assistance for categorically needy pregnant women and, on a phased-in basis, children up to two years of age whose household income does not exceed 90 percent of the federal poverty level, whose resources do not exceed reasonable standards established by the department, and whose coverage qualifies for federal financial participation under Title XIX of the federal social security act.

(3) Vendor rate increases shall average 2.0 percent on September 1, 1987, and 4.0 percent on September 1, 1988.

(4) \$3,000,000 of the general fund—state appropriation is provided solely for matching grants to hospitals under Engrossed Second Substitute House Bill No. 477. If the bill is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

(5) The department shall provide payment for chiropractic services under RCW 74.09.035 and 74.09.520.

**NEW SECTION, Sec. 211. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—  
PUBLIC HEALTH PROGRAM**

General Fund Appropriation—State .....	\$	58,177,000
General Fund Appropriation—Federal .....	\$	73,551,000
General Fund Appropriation—Local .....	\$	8,025,000
Total Appropriation .....	\$	139,753,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Vendor rates shall be increased by 2.0 percent on September 1, 1987, and 4.0 percent on September 1, 1988.

(2) Public and private community health clinics providing dental services under this section shall give priority to populations that lack access to federally supported dental services. The department shall prepare contracts which implement this requirement.

(3) \$1,919,000 of the general fund—state appropriation is provided solely to carry out the department's responsibilities contained in the Puget Sound water quality plan, including \$50,000 for a review of the alternative on-site sewage program at both the state and local levels. The review shall address, but not be limited to, the process and procedures associated with the review and application of alternative systems. Recommendations shall include, but not be limited to:

(a) Ways to expedite review of applications;

(b) Changes in rules and statutes to address unique alternative on-site system applications;

(c) Staffing and resources required to implement an effective alternative on-site program; and

(d) Any additional issues that are necessary for an effective and efficient alternative on-site sewage system program.

The department shall report to the legislature no later than January 30, 1988.

(4) \$5,500,000 of the general fund—state appropriation is provided solely to continue prenatal care services for low-income pregnant women who do not qualify for full coverage under the medical assistance program.

(5) A maximum of \$86,842,000, of which \$24,437,000 is from the general fund—state appropriation, and 132 biennial full time equivalent staff may be transferred from the public health program to the division of children and family services to provide parent and child health services, dental health care for children, women, infant and children services, crippled children's services, nutrition services to children, family planning services, and program and category support services. If this transfer affects the comparability of historical expenditure information at the program, category, or budget-unit level, the department shall reconstruct historical data for the preceding six fiscal years.

(6) \$3,100,000 of the general fund—state appropriation is provided solely to continue the kidney disease program.

(7) \$300,000 of the general fund—state appropriation is provided solely to enhance high-risk infant tracking.

(8) \$41,000 of the general fund—state appropriation is provided solely to expand PKU testing.

(9) \$1,500,000, of which \$300,000 is from the general fund—state appropriation, is provided solely for enhancing the women, infants, and children programs.

**NEW SECTION, Sec. 212. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—  
VOCATIONAL REHABILITATION PROGRAM**

General Fund Appropriation—State	\$	13,583,000
General Fund Appropriation—Federal	\$	32,654,000
Total Appropriation	\$	46,237,000

The appropriations in this section are subject to the following condition and limitations: Vendor rates shall be increased by 2.0 percent on September 1, 1987, and 4.0 percent on September 1, 1988.

**NEW SECTION, Sec. 213. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—  
ADMINISTRATION AND SUPPORTING SERVICES PROGRAM**

General Fund Appropriation—State	\$	46,280,000
General Fund Appropriation—Federal	\$	32,045,000
Institutional Impact Account Appropriation	\$	78,000
Total Appropriation	\$	78,403,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$108,000 of the general fund—state appropriation is transferred within the office of constituent relations for an additional 2 biennial FTE staff for the office of the long-term care ombudsman.

(2) \$1,000,000 of the general fund—state appropriation and \$1,000,000 of the general fund—federal appropriation may be transferred from sections referenced in section 202(7) of this act solely for the evaluation of the aid to families with dependent children and the family independence programs as provided in Engrossed Second Substitute House Bill No. 448. The department may contract with objective independent evaluators subject to legislative budget committee approval, as specified in Engrossed Second Substitute House Bill No. 448. The department shall contract with the Washington state institute for public policy to conduct a longitudinal study of public assistance recipients. \$652,000 of the general fund—state moneys and \$652,000 of the general fund—federal moneys provided in this subsection are provided solely for the longitudinal study.

(3) If Senate Bill No. ...., transferring caseload forecasting functions to the economic and revenue forecast council, is enacted by June 30, 1987, \$500,000 of the general fund—state appropriation shall be transferred to the department of revenue.

**NEW SECTION, Sec. 214. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—  
COMMUNITY SERVICES ADMINISTRATION PROGRAM**

General Fund Appropriation—State	\$	155,750,000
General Fund Appropriation—Federal	\$	171,909,000
General Fund Appropriation—Local	\$	705,000
Total Appropriation	\$	328,364,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$283,000 of the general fund—state appropriation and \$270,000 of the general fund—federal appropriation are provided solely for administrative costs associated with the provision of medical assistance to categorically needy pregnant women and, on a phased-in basis, children up to two years of age whose household income does not exceed 90 percent of the federal poverty level, whose incomes do not exceed reasonable standards established by the department, and whose coverage qualifies for federal financial participation under Title XIX of the federal social security act.

(2) \$4,922,000, of which \$2,461,000 is from the general fund—state appropriation, is provided solely to increase services for participants in the opportunities program.

(3) \$69,000 of the general fund—state appropriation and \$70,000 of the general fund—federal appropriation are provided solely for discharge planning case management for clients in nursing homes, congregate care facilities, and adult family homes.

(4) \$708,000 of the general fund—state appropriation is provided solely for establishing a supplemental security income referral pilot program as provided for in Engrossed Substitute House Bill No. 665.

(5) A maximum of \$554,000, of which \$460,000 is from the general fund—state appropriation, and 14.2 biennial full time equivalent staff may be transferred from the community services administration program to the administration and supporting services program to consolidate the social service payment system.

(6) If any transfer under this section affects the comparability of historical expenditure information at the program, category or budget-unit level, the department shall reconstruct historical data for the preceding six fiscal years.

(7) The department shall submit a plan to the human services committees of the senate and house of representatives by January 15, 1988, regarding continuation of services provided at its satellite office at 2106 Second Avenue, Seattle. The plan shall identify any proposed changes to the service level in effect on July 1, 1988, and methods of assuring reasonable access to a full array of services for area clients.

(8) \$350,000 of the general fund—state appropriation is provided solely for providing matching grants on a one-to-one state/local basis to regional health councils as established in RCW 70.38.085, or to the successor agencies. Grants shall be distributed equitably on the basis of need in order to preserve regional health planning.

**NEW SECTION. Sec. 215. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—  
REVENUE COLLECTIONS PROGRAM**

General Fund Appropriation—State	\$	25,749,000
General Fund Appropriation—Federal	\$	51,135,000
General Fund Appropriation—Local	\$	200,000
Total Appropriation	\$	77,084,000

**NEW SECTION. Sec. 216. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—  
PAYMENTS TO OTHER AGENCIES PROGRAM**

General Fund Appropriation—State	\$	28,259,000
General Fund Appropriation—Federal	\$	13,945,000
Total Appropriation	\$	42,204,000

**NEW SECTION. Sec. 217. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT**

General Fund Appropriation—State	\$	32,592,000
General Fund Appropriation—Federal	\$	143,939,000
Building Code Council Account Appropriation	\$	407,000
Fire Service Training Account Appropriation	\$	500,000
Low Income Weatherization Account Appropriation	\$	4,000,000
Total Appropriation	\$	181,438,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,576,000 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.

(2) \$100,000 of the general fund—state appropriation may be used for increased department administrative staff if the department receives federal grants in excess of \$1,000,000 under U.S. House of Representatives Resolution 558. If the department does not receive grants of at least \$1,000,000, the amount provided in this subsection shall lapse.

(3) \$12,136,000 of the general fund—state appropriation is provided solely for early childhood education and assistance programs under Substitute Senate Bill No. 5476 or Engrossed Second Substitute House Bill No. 456. These moneys shall be used to provide services to at least 2,000 children. If neither bill is enacted by June 30, 1987, the amount provided in this subsection shall lapse.

(4) \$325,000 of the general fund—state appropriation is provided solely for pilot demonstrations and development of model vocational programs, including a study of a technology demonstration 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 June 30, 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) \$360,000 of the general fund—state appropriation is provided solely for grants to three nonprofit agencies and local government agencies for local reemployment centers. In order to provide a breadth of experience and geographic dispersion, one center shall be located in King county, one center shall be located in a southwest Washington county in which the unemployment rate was at least 20 percent above the state average during the preceding calendar year, and one center shall be located in an eastern Washington standard metropolitan statistical area in which the unemployment rate was at least 20 percent above the state

average during the preceding calendar year. Each center shall provide direct and referral services to the unemployed. These services may include reemployment assistance, medical services, social services including marital counseling, psychotherapy, mortgage foreclosure and utility problem counseling, drug and alcohol abuse counseling, credit counseling, and other services deemed appropriate. These services are designed to supplement and not supplant the on-going efforts of local job centers administered by the employment security department. Each grant recipient must match state dollars on a one-for-one basis with non-state dollars.

(8) \$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.

(9) \$100,000 of the general fund—state appropriation is provided solely to implement Substitute House Bill No. 430. If the bill is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

(10) \$250,000 of the general fund—state appropriation is provided solely for the border town impact mitigation program.

(11) \$25,000 is provided solely for the purpose of implementing Engrossed Second Substitute Senate Bill No. 5252. If Engrossed Second Substitute Senate Bill No. 5252 is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

(12) \$187,000 of the general fund—state appropriation is provided solely for technical assistance to Okanogan county for the preparation of plans and permits relating to winter sports facilities development.

**NEW SECTION. Sec. 218. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

General Fund Appropriation—State	\$	17,889,000
General Fund Appropriation—Federal	\$	4,615,000
General Fund Appropriation—Local	\$	6,167,000
Total Appropriation	\$	28,671,000

**NEW SECTION. Sec. 219. FOR THE HUMAN RIGHTS COMMISSION**

General Fund Appropriation—State	\$	3,199,000
General Fund Appropriation—Federal	\$	964,000
Total Appropriation	\$	4,163,000

**NEW SECTION. Sec. 220. FOR THE DEATH INVESTIGATION COUNCIL**

Death Investigations Account Appropriation	\$	5,000
--	----	-------

**NEW SECTION. Sec. 221. FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS**

Public Safety and Education Account Appropriation	\$	176,000
Accident Fund Appropriation	\$	6,015,000
Medical Aid Fund Appropriation	\$	6,015,000
Total Appropriation	\$	12,206,000

**NEW SECTION. Sec. 222. FOR THE CRIMINAL JUSTICE TRAINING COMMISSION**

Death Investigations Account Appropriation	\$	32,000
Public Safety and Education Account Appropriation	\$	7,866,000
Total Appropriation	\$	7,898,000

The appropriations in this section are subject to the following conditions and limitations: \$68,000 of the public safety and education account appropriation is provided solely for one-time costs associated with conversion to an incident-based uniform crime reporting system. Expenditure of these funds is contingent upon receipt of federal matching funds equal to or greater than \$68,000.

**NEW SECTION. Sec. 223. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES**

General Fund Appropriation	\$	8,384,000
Public Safety and Education Account Appropriation	\$	10,866,000
Accident Fund Appropriation	\$	85,037,000
Electrical License Fund Appropriation	\$	9,620,000
Farm Labor Revolving Account Appropriation	\$	292,000
Medical Aid Fund Appropriation	\$	81,983,000
Plumbing Certificate Fund Appropriation	\$	640,000
Pressure Systems Safety Fund Appropriation	\$	1,111,000
Worker and Community Right to Know Fund Appropriation	\$	2,059,000
Total Appropriation	\$	199,992,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall study the feasibility of establishing an independent ombuds office to aid employers and employees, including self-insured employees, in dealing with the workers' compensation system. The study shall include an evaluation of the need for the office, the recommended functions of the office, and the mechanisms for oversight and funding. The department shall submit its findings and recommendations to the commerce and labor committees of the senate and house of representatives by January 11, 1988.

(2) The department shall evaluate the effectiveness of the workers' compensation vocational rehabilitation program, including the effectiveness of a worker resource center to provide injured worker adjustment services. The study shall be conducted in consultation with the

workers' compensation advisory committee and interested groups representing injured workers, labor, and employers. The department shall submit its findings and recommendations to the commerce and labor committees of the senate and house of representatives by January 11, 1988.

(3) The department shall study, in cooperation with the employment security department and the department of social and health services, the potential impact in the state of a state minimum wage based on ninety percent of the federal poverty level. The results of the study shall be submitted to the commerce and labor committees of the senate and house of representatives by January 11, 1988.

(4) The department shall prepare a report on workers' compensation caseload information including, but not limited to, the average number of claims by type by adjudicator compared to optimal caseloads used in the private sector and any recommendations concerning improvement of caseloads. The report shall be submitted to the commerce and labor committees of the senate and house of representatives by January 11, 1988.

NEW SECTION, Sec. 224. FOR THE INDETERMINATE SENTENCE REVIEW BOARD.

General Fund Appropriation ..... \$ 4,042,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$166,000 is provided solely for payments to private attorneys representing indigent parolees.

(2) \$727,000 is provided solely for addressing inmate litigation resulting from the transition from the indeterminate sentencing laws to the determinate sentencing laws and to enable the board to review all remaining cases falling under the indeterminate sentencing laws.

(3) Of the amount provided in subsection (2) of this section, \$363,500 shall be placed in reserve status until the legislature authorizes its release. The board shall report to the legislature on January 1, 1988, regarding its progress toward completing at least one-half of the workload outlined in subsection (2) of this section. It is the intent of the legislature that the indeterminate sentencing review board terminate on June 30, 1989, and any remaining functions transfer to the department of corrections and the judiciary.

NEW SECTION, Sec. 225. FOR THE HOSPITAL COMMISSION

General Fund Appropriation ..... \$ 1,948,000

Hospital Commission Account Appropriation ..... \$ 1,420,000

Total Appropriation ..... \$ 3,368,000

NEW SECTION, Sec. 226. FOR THE EMPLOYMENT SECURITY DEPARTMENT

General Fund Appropriation—State ..... \$ 5,700,000

General Fund Appropriation—Federal ..... \$ 146,257,000

General Fund Appropriation—Local ..... \$ 18,373,000

Administrative Contingency Fund

Appropriation—Federal ..... \$ 6,918,000

Unemployment Compensation Administration Fund Appropriation—Federal ..... \$ 110,569,000

Employment Service Administration Account Appropriation—Federal ..... \$ 2,334,000

Total Appropriation ..... \$ 290,151,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall submit a plan to the commerce and labor committees of the senate and house of representatives by January 15, 1988, regarding continuation of services provided at its satellite office at 2106 Second Avenue, Seattle. The plan shall identify any proposed changes to the service level in effect on July 1, 1988, and methods of assuring reasonable access to a full array of services for area clients.

(2) The department shall produce local area labor market information packages for the state's economically distressed counties.

(3) The department shall produce an annual state economic report to the legislature and the governor that includes but is not limited to:

(a) Identification and analysis of industries in the United States, Washington state, and local labor markets with high levels of seasonal, cyclical, and structural unemployment;

(b) The industries and local labor markets with plant closures and mass lay-offs and the number of affected workers;

(c) An analysis of the major causes of plant closures and mass lay-offs;

(d) The number of dislocated workers and persons who have exhausted their unemployment benefits, classified by industry, occupation, and local labor markets;

(e) The experience of the unemployed in their efforts to become reemployed. This should include research conducted on the continuous wage and benefit history;

(f) Five-year industry and occupational employment projections; and

(g) Annual and hourly average wage rates by industry and occupation.

(4) The department shall establish a counter-cyclical employment program.

(a) This program shall provide employment for unemployed forest product workers. "Forest products industries" means industries within the standard industrial classification code numbers 8, 24, and 26. The program shall operate, on a pilot basis in two locations in Washington state, with preference given to distressed areas in the state.

(b) Eligibility for employment under the counter-cyclical employment program shall occur only upon exhaustion of unemployment insurance benefits received upon termination of employment in the Washington forest products industry and eligibility shall be limited to only those persons who are either currently unemployed, employed part time, or whose employment in the Washington forest products industry was terminated within the previous year. No one shall be employed by the program for longer than six months in a two-year period, except as to administrative and supervisory employees.

(c) The program shall begin after completion of two consecutive quarters of below-average employment in forest products industries in Washington state and shall cease sixty days after the completion of two consecutive quarters of above-average timber products employment in Washington state. If, on the effective date of this act, forest products employment in the state has been below average for two consecutive quarters, the program shall begin immediately. In order to determine average forest products employment, the department shall calculate the trend of forest products employment in Washington state by the number of forest products employees, as reported by the department, during the fifteen years prior to the date the calculation is made. "Average forest products employment" means the level of employment indicated by this trend line.

(d) Employment under the counter-cyclical employment program shall consist of activities which enhance the value of state, county, and local government lands and waters and associated improvements, with priority given to enhancing state lands and waters. Eligible activities shall include, but are not limited to, thinning, slash removal, reforestation, fire suppression, trail maintenance, maintenance of recreational facilities, dike repair, tourist facilities, stream enhancement, water quality enhancement, irrigation repair, and the building of shellfish beds.

(e) Employees under the counter-cyclical employment program, except administrative employees, shall not be considered state employees for the purposes of existing provisions of law with respect to hours of work, sick leave and civil service. Employees under the program shall receive the same medical and dental benefits and holiday and vacation benefits as state employees. Compensation for employees under the counter-cyclical employment program shall be at least eight dollars per hour of employment, except as to administrative and supervisory personnel. Employment under the program shall not result in the displacement or partial displacement, such as reduction of hours of nonovertime work, wages, or other employment benefits, of currently employed workers, including but not limited to state civil service employees, or of currently or normally contracted services. 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.

(f) The department shall administer the program in consultation with the state natural resource agencies. The employment security department may enter into contracts and agreements with state agencies and private and public individuals and organizations to carry out the program.

(5) \$120,000 of the administrative contingency fund—federal appropriation is provided solely for a reemployment bonus demonstration project, contingent on the availability of federal or private funding of no less than \$500,000. The employment security department shall evaluate the effectiveness of the reemployment bonus in returning unemployed workers to employment and report to the commerce and labor committees of the senate and house of representatives by January 15, 1989. If federal or private moneys do not become available before June 30, 1988, the amount provided in this subsection shall lapse.

**NEW SECTION, Sec. 227. FOR THE DEPARTMENT OF SERVICES FOR THE BLIND**

General Fund Appropriation—State .....	\$	2,357,000
General Fund Appropriation—Federal .....	\$	4,862,000
Total Appropriation .....	\$	7,219,000

The appropriations in this section are subject to the following conditions and limitations: \$11,000 in fiscal year 1988 and \$11,000 in fiscal year 1989 is provided for support of the deaf-blind service center.

**NEW SECTION, Sec. 228. FOR THE CORRECTIONS STANDARDS BOARD**

General Fund Appropriation—State .....	\$	185,000
General Fund Appropriation—Federal .....	\$	20,000
Total Appropriation .....	\$	205,000

**NEW SECTION, Sec. 229. FOR THE SENTENCING GUIDELINES COMMISSION**

General Fund Appropriation .....	\$	525,000
----------------------------------	----	---------

**NEW SECTION, Sec. 230. FOR THE WASHINGTON BASIC HEALTH PLAN**

General Fund Appropriation .....	\$	19,109,000
----------------------------------	----	------------

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely to develop and operate the basic health plan under



Engrossed Second Substitute House Bill No. 477. If the bill is not enacted by June 30, 1987, this appropriation shall lapse.

PART III  
NATURAL RESOURCES

NEW SECTION. Sec. 301. FOR THE STATE ENERGY OFFICE

General Fund Appropriation—State	\$	1,874,000
General Fund Appropriation—Federal	\$	16,528,000
General Fund Appropriation—Private/Local	\$	20,000
Geothermal Account Appropriation—Federal	\$	45,000
Building Code Council Account Appropriation	\$	437,000
Total Appropriation	\$	18,904,000

The appropriations in this section are subject to the following conditions and limitations: \$40,000 of the general fund—state appropriation is provided solely to contract with the institute for public policy at The Evergreen State College to complete a comprehensive state hydropower study. The study shall: (1) Be developed in consultation with other state agencies (2) be completed by December 1, 1987, and (3) result in recommendations for a state hydro-power plan for the balanced protection and development of the state's waterways.

NEW SECTION. Sec. 302. FOR THE COLUMBIA RIVER GORGE COMMISSION

General Fund Appropriation—State	\$	463,000
General Fund Appropriation—Private/Local	\$	468,000
Total Appropriation	\$	931,000

NEW SECTION. Sec. 303. FOR THE DEPARTMENT OF ECOLOGY

General Fund Appropriation—State	\$	51,627,000
General Fund Appropriation—Federal	\$	59,846,000
General Fund Appropriation—Private/Local	\$	398,000
Hazardous Waste Control and Elimination Account Appropriation	\$	2,616,000
Flood Control Account Appropriation	\$	3,999,000
Wood Stove Public Education Account Appropriation	\$	366,000
Special Grass Seed Burning Research Account Appropriation	\$	40,000
Reclamation Revolving Account Appropriation	\$	836,000
Emergency Water Project Revolving Account Appropriation: Appropriated pursuant to chapter 1, Laws of 1977 ex. sess.	\$	175,000
Litter Control Account Appropriation	\$	6,395,000
State and Local Improvements Revolving Account—Waste Disposal Facilities: Appropriated pursuant to chapter 127, Laws of 1972 ex. sess. (Referendum 26)	\$	761,000
State and Local Improvements Revolving Account—Waste Disposal Facilities 1980: Appropriated pursuant to chapter 159, Laws of 1980 (Referendum 39)	\$	2,095,000
State and Local Improvements Revolving Account—Water Supply Facilities: Appropriated pursuant to chapter 234, Laws of 1979 ex. sess. (Referendum 38)	\$	1,071,000
Stream Gaging Basic Data Fund Appropriation	\$	139,000
Tire Recycling Account Appropriation	\$	548,000
Water Quality Account Appropriation	\$	2,398,000
Workers and Community Right to Know Fund Appropriation	\$	229,000
Total Appropriation	\$	133,539,000

The appropriations in this section are subject to the following conditions and limitations:

(1) A maximum of \$150,000 of the general fund—state appropriation may be expended to implement the Nisqually river task force recommendations.

(2) \$75,000 of the general fund—state appropriation is provided solely for a wetlands restoration planning project. These funds may not be expended unless matched by a minimum of \$150,000 in federal, local, or private money.

(3) \$985,000 of the general fund—state appropriation is provided solely for allocation to local air pollution control authorities.

(4) The appropriation from the wood stove public education account is contingent upon the enactment of House Bill No. 16. If the bill is not enacted by June 30, 1987, this appropriation shall lapse.

(5) \$11,950,000 of the general fund—state appropriation is provided solely to carry out the department's responsibilities contained in the state water quality plan.

(6) \$715,000 of the general fund—state appropriation is provided for the purposes of solid waste management.

(7) \$553,000 of the general fund—state appropriation is provided solely for implementing the provisions of the timber fish wildlife agreement. If Senate Bill No. 5845 is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

(8) If House Bill No. 434 is enacted by June 30, 1987, the appropriation from the hazardous waste control and elimination account shall lapse.

(9) \$225,000 of the general fund—state appropriation and \$50,000 of the hazardous waste control and elimination account appropriation are provided solely to: (a) Contract with the University of Washington college of ocean and fisheries sciences to develop a damage assessment methodology for determining damages as a result of oil spills, (b) contract with the department of community development to design a model oil spill contingency plan.

(10) Within the general fund appropriation, the department shall prepare penalty regulations for waste disposal permit violations, including minimum penalties, based upon severity and frequency of violation.

(11) \$302,000 of the general fund—state appropriation is provided solely for operating the Padilla Bay estuarine sanctuary interpretive center.

(12) Within the general fund appropriation, the department shall phase out state hazardous waste remedial action sites currently in progress and meet emergency response actions.

(13) \$288,000 from the general fund—state appropriation is provided solely for the purposes of Substitute Senate Bill No. 5570. If the bill is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

**NEW SECTION, Sec. 304. FOR THE ENERGY FACILITY SITE EVALUATION COUNCIL**

General Fund Appropriation—Federal	\$	57,000
General Fund Appropriation—Private/Local	\$	2,726,000
Total Appropriation	\$	2,783,000

**NEW SECTION, Sec. 305. FOR THE STATE PARKS AND RECREATION COMMISSION**

General Fund Appropriation—State	\$	35,258,000
General Fund Appropriation—Federal	\$	999,000
General Fund Appropriation—Private/Local	\$	745,000
Trust Land Purchase Account Appropriation	\$	8,784,000
Winter Recreation Parking Account Appropriation	\$	322,000
Snowmobile Account Appropriation	\$	922,000
Public Safety and Education Account Appropriation	\$	10,000
Outdoor Recreation Account Appropriation	\$	159,000
Motor Vehicle Fund Appropriation	\$	1,000,000
Total Appropriation	\$	48,199,000

The appropriations in this section are subject to the following conditions and limitations: \$416,000 of the general fund—state appropriation is provided solely for carrying out the water quality plan.

**NEW SECTION, Sec. 306. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

Outdoor Recreation Account Appropriation—State	\$	1,638,000
Outdoor Recreation Account Appropriation—Federal	\$	108,000
Total Appropriation	\$	1,746,000

The appropriations in this section are subject to the following conditions and limitations: The committee shall coordinate the preparation of a comprehensive guide of recreation trails in the state of Washington. The guide shall include maps showing the location of recreation trails and may also include information regarding available facilities and recreational opportunities. All state agencies that maintain public recreational trails shall cooperate with the preparation of the comprehensive guide. The committee shall also solicit the cooperation of federal agencies that maintain public recreational trails within the state. The committee shall submit a plan for the production and distribution of the guide to the legislature by January 1, 1988.

**NEW SECTION, Sec. 307. FOR THE ENVIRONMENTAL HEARINGS OFFICE**

General Fund Appropriation	\$	842,000
----------------------------	----	---------

**NEW SECTION, Sec. 308. FOR THE CONSERVATION COMMISSION**

General Fund Appropriation	\$	602,000
----------------------------	----	---------

The appropriation in this section is subject to the following conditions and limitations: \$182,000 of the general fund appropriation is provided solely for carrying out the water quality plan.

**NEW SECTION, Sec. 309. FOR THE PUGET SOUND WATER QUALITY AUTHORITY**

General Fund Appropriation	\$	2,910,000
Water Quality Account Appropriation	\$	1,100,000
Total Appropriation	\$	4,010,000

**NEW SECTION, Sec. 310. FOR THE DEPARTMENT OF FISHERIES**

General Fund Appropriation—State	\$	48,465,000
General Fund Appropriation—Federal	\$	14,057,000
General Fund Appropriation—Private/Local	\$	3,651,000
Aquatic Lands Enhancement Account Appropriation	\$	425,000
Total Appropriation	\$	66,598,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$106,000 of the general fund—state appropriation is provided solely for carrying out the water quality plan.

(2) \$40,000 of the general fund—state appropriation is provided solely for the purposes of reintroducing an early coho salmon run to the Tilton river and Winston creek.

(3) \$587,000 of the general fund—state appropriation is provided solely for implementing the provisions of the timber fish wildlife agreement. If Senate Bill No. 5845 is not enacted by July 1, 1987, the amount provided in this subsection shall lapse.

(4) \$4,400,000 of the general fund—state appropriation and \$1,000,000 of the general fund—federal appropriation are provided solely for the marine fish program and shellfish program, including \$150,000 for shellfish enforcement on Hood Canal.

(5) \$150,000 of the aquatic lands enhancement account appropriation is provided solely for the preparation of an ecological impact statement on the guidelines for the management of salmon net pens in Puget Sound.

(6) The department shall present to the natural resource committees of the senate and house of representatives no later than February 1988 a report on the department's watershed plan, with specific identification of the benefits associated with the Queets hatchery and other Indian tribal agreements.

(7) \$194,000 of the general fund—state appropriation may be expended for additional feed for the Deschutes hatchery.

(8) \$400,000 of the general fund—state appropriation is provided solely for the purpose of a comprehensive biological study conducted by the department in conjunction with the University of Washington and Grays Harbor community college to determine what is affecting the survival of salmon in the Grays Harbor area.

(9) \$150,000 of the general fund—state appropriation is provided solely to maintain and operate the Toutle river fish collection facility.

**NEW SECTION, Sec. 311. FOR THE DEPARTMENT OF GAME**

ORV (Off-Road Vehicle) Account Appropriation	\$	256,000
Aquatic Lands Enhancement Account Appropriation	\$	275,000
Public Safety and Education Account Appropriation	\$	515,000
Game Fund Appropriation—State	\$	36,821,000
Game Fund Appropriation—Federal	\$	15,142,000
Game Fund Appropriation—Private/Local	\$	1,856,000
Game Fund—Special Wildlife Account Appropriation	\$	423,000
Total Appropriation	\$	55,288,000

**NEW SECTION, Sec. 312. FOR THE DEPARTMENT OF NATURAL RESOURCES**

General Fund Appropriation—State	\$	36,170,000
General Fund Appropriation—Federal	\$	78,000
General Fund Appropriation—Private/Local	\$	20,000
ORV (Off-Road Vehicle) Account Appropriation—Federal	\$	3,086,000
Geothermal Account Appropriation—Federal	\$	16,000
Forest Development Account Appropriation	\$	21,136,000
Survey and Maps Account Appropriation	\$	773,000
Aquatic Land Dredged Material Disposal Site Account Appropriation	\$	106,000
Landowner Contingency Forest Fire Suppression Account Appropriation	\$	1,636,000
Resource Management Cost Account Appropriation	\$	52,495,000
Total Appropriation	\$	115,516,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,649,000 of the general fund—state appropriation is provided solely for implementing the provisions of the timber fish wildlife agreement. This amount is contingent on: (a) The department reorganizing existing staff in the forest practices subprogram so that the majority of the staff positions are dedicated to regulating forest practices and are not responsible for state land management; and (b) the enactment of Senate Bill No. 5845. If the bill is not enacted by July 1, 1987, this amount shall lapse.

(2) \$270,000 of the general fund—state appropriation is provided solely for the department's responsibilities in implementing the recommendations contained in the Puget Sound water quality plan.

(3) From the resource management cost account and general fund—state appropriations in this section, the department shall create an additional one hundred full time equivalent jobs, providing employment opportunities for a total of 200 people, 50 each for a period not to exceed six months, under the provisions of the employment security department's counter-cyclical employment program in section 226 of this act. These jobs shall pay at least eight dollars per hour, excluding benefits. Work performed under this subsection must provide economic benefits to state trust lands.

(4) \$193,000 of the general fund—state and the aquatic land dredged material disposal site account appropriations are provided solely for the purposes of Senate Bill No. 5501. If the bill is not enacted by June 30, 1987, this appropriation shall lapse.

(5) \$100,000 of the general fund—state appropriation is provided solely for interim relocation of all department staff presently located in the John A. Cherberg building.

**NEW SECTION, Sec. 313. FOR THE DEPARTMENT OF AGRICULTURE**

General Fund Appropriation—State	\$	15,993,000
General Fund Appropriation—Federal	\$	601,000

Feed and Fertilizer Account Appropriation . . . . .	\$	22,000
Fertilizer, Agricultural, Mineral and Lime Fund Appropriation . . . . .	\$	455,000
Commercial Feed Fund Appropriation . . . . .	\$	409,000
Seed Fund Appropriation . . . . .	\$	979,000
Nursery Inspection Fund Appropriation . . . . .	\$	1,011,000
Livestock Security Interest Account Appropriation . . . . .	\$	34,000
Total Appropriation . . . . .	\$	19,504,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$48,000 of the general fund—state appropriation is provided solely for carrying out the water quality plan.
- (2) \$25,000 of the general fund—state appropriation is provided solely for the control of starlings as a part of the predatory animal control program.
- (3) \$20,000 of the general fund—state appropriation is provided solely to purchase poultry disease diagnostic laboratory equipment through a cooperative agreement with Washington State University.
- (4) \$120,000 of the general fund—state appropriation is provided solely for the continuation of the brucellosis vaccination program.
- (5) \$200,000 of the general fund—state appropriation is provided solely for enhancement of the noxious weed control program.
- (6) \$50,000 of the general fund—state appropriation is provided for disposal of hazardous waste pesticides.
- (7) \$200,000 of the general fund—state appropriation is provided solely to initiate a marketing program for Washington-bred horses.
- (8) \$80,000 of the general fund—state appropriation is provided solely for the aquaculture program.

**NEW SECTION, Sec. 314. FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT**

General Fund Appropriation . . . . .	\$	23,653,000
Motor Vehicle Fund Appropriation . . . . .	\$	532,000
Total Appropriation . . . . .	\$	24,185,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) The department, in concert with participating state agencies, shall develop a reporting system to document the work and results of state business assistance programs. The department shall forward annual reports to the ways and means committees of the house of representatives and senate, the trade and economic development committee of the house of representatives and the commerce and labor committee of the senate, including but not limited to jobs created, investment generated, and measures of technical assistance provided and other program activities.
- (2) \$195,000 of the general fund appropriation is provided solely for contracts with Washington State University small business development center programs. State funds for small business development center programs in Lewis county shall not be reduced from the level provided in the 1985-1987 biennium.
- (3) \$625,000 of the general fund appropriation is provided solely for contracts with the export assistance center of Washington. At least \$100,000 of the amount provided in this subsection shall be used by the department and the export finance center for the development of a coordinated outreach program for trade information services and export finance assistance. In developing this program, the department and export finance center shall work with the business assistance center, ports, and other users and suppliers of trade services.
- (4) \$600,000 of the general fund appropriation is provided solely for the business assistance center. The center, in concert with participating state agencies, shall develop a reporting system to document the work and results of state business assistance programs. The center shall forward annual reports to the ways and means committees of the house of representatives and senate, the trade and economic development committee of the house of representatives and the commerce and labor committee of the senate, including but not limited to jobs created, investment generated, and measures of technical assistance provided and other program activities.
- (5) The department shall analyze market trends and investment opportunities in at least eight key sectors of the Washington economy. The department shall publish five-year projections of selected mature and growth industries with current or potentially large impacts on the state economy, including barriers to competitiveness, potential market niches, investment trends, and their relationship to state economic development efforts. The department shall work in concert with the Washington state economic development board, the department of community development, CENTRAFOR, IMPACT, the employment security department, and the private sector to develop these industry studies and to analyze strategies for the retention and development of high-wage jobs.
- (6) \$7,000,000 of the general fund appropriation is provided solely for the University of Washington for the continuation of the Washington high technology center and \$300,000 of the general fund appropriation is provided solely for the center for international trade in forest

products as matching funds to private-sector, federal, and in-kind contributions, on the basis of the following percentages:

(a) Washington high technology center, 50 percent; and nonstate contributions, 50 percent; and

(b) Center for international trade in forest products, 50 percent; and nonstate contributions, 50 percent.

(7) \$225,000 of the general fund appropriation is provided solely for preparation, if warranted, of a proposal to the federal department of energy that the proposed superconducting supercollider be located in Washington state.

**NEW SECTION, Sec. 315. FOR THE ECONOMIC DEVELOPMENT BOARD**

General Fund Appropriation—State .....	\$	535,000
General Fund Appropriation—Private/Local .....	\$	100,000
Total Appropriation .....	\$	635,000

**NEW SECTION, Sec. 316. FOR THE WASHINGTON CENTENNIAL COMMISSION**

General Fund Appropriation .....	\$	8,000,000
State Centennial Commission Account Appropriation .....	\$	2,540,000
Total Appropriation .....	\$	10,540,000

The appropriations in this section are subject to the following conditions and limitations:

(1) State agencies, at the request of the centennial commission, may develop programs or activities related to the Washington state centennial. Agencies that develop programs or activities in conjunction with the centennial commission shall not charge the commission for overhead or administrative costs.

(2) The commission may contract with Pacific Celebration '89 for promotion of Washington state's future trade and economic ties with nations in the Pacific rim. Any contract with Pacific Celebration '89 shall include, but is not limited to, the following conditions:

(a) Pacific Celebration '89 activities shall create increased opportunities for marketing Washington state products and services, include a series of leadership conferences on emerging issues of the Pacific economy, promote Washington state as the focus of trade activity within the Pacific basin, recognize the contributions to the development of Washington state by people of Pacific heritage, and increase knowledge and understanding of Pacific cultures by Washington citizens. Activities shall be staged in communities throughout the state during the centennial year.

(b) Each \$1.00 in state funds provided to Pacific Celebration shall be matched over the course of the biennium by at least \$1.60 in private contributions and event sponsorships. If, at any point during the biennium, the centennial commission determines that private contributions and event sponsorships will, by the end of the biennium, amount to less than \$1.60 for each \$1.00 of state money provided, it shall reduce disbursements proportionally.

(c) Any state money used for contracts with Pacific Celebration shall be repaid, to the greatest extent possible, from net revenue of Pacific Celebration activities. Net revenues from these activities shall be maximized and returned to the general fund according to a financial plan approved by the commission.

(3) The general fund appropriation is intended to be the final state contribution to the funding of centennial commission projects.

**NEW SECTION, Sec. 317. FOR THE STATE CONVENTION AND TRADE CENTER**

State Convention and Trade Center Account Appropriation .....	\$	9,320,000
---	----	-----------

The appropriation in this section is subject to the following conditions and limitations: If Substitute Senate Bill No. 5901 is not enacted by June 30, 1987, the appropriation in this section shall lapse.

**NEW SECTION, Sec. 318. FOR THE WINTER RECREATION COMMISSION**

General Fund Appropriation .....	\$	27,000
----------------------------------	----	--------

**PART IV  
TRANSPORTATION**

**NEW SECTION, Sec. 401. FOR THE STATE PATROL**

Death Investigations Account Appropriation .....	\$	24,000
General Fund Appropriation—State .....	\$	16,938,000
General Fund Appropriation—Federal .....	\$	2,974,000
General Fund Appropriation—Private/Local .....	\$	1,769,000
Total Appropriation .....	\$	21,705,000

The appropriations in this section are subject to the following conditions and limitations:

(1) At least \$471,000 of the general fund—state appropriation shall be spent on crime labs. \$1,424,000 of the general fund—federal appropriation is provided solely for crime labs if federal narcotics enforcement moneys are granted to the state. If these moneys are not granted to the state, an additional \$471,000 of the general fund—state appropriation shall be spent on crime labs. If the additional \$471,000 is spent on crime labs, the expenditure for the narcotics section shall not exceed the expenditures for that purpose during the 1985-1987 biennium.

(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 amount

provided in this subsection shall lapse. Fees resulting from implementation of the bill shall be placed in the state general fund.

(3) \$1,000,000 of the general fund—state appropriation is provided solely to establish a separate unit to provide expertise in the investigation of major crimes and to provide assistance to law enforcement entities throughout the state at their request. The state patrol shall develop a computer data base and record system to store crime scene information to assist in major crimes investigations and to make such data readily available to all law enforcement agencies. The chief of the state patrol shall contract with the Green river task force to develop the expertise for these activities. A maximum of \$100,000 may be expended for this purpose.

NEW SECTION. Sec. 402. FOR THE DEPARTMENT OF LICENSING

General Fund Appropriation .....	\$	15,466,000
Architects' License Account Appropriation .....	\$	765,000
Health Professions Account Appropriation .....	\$	9,601,000
Medical Disciplinary Account Appropriation .....	\$	1,195,000
Professional Engineers' Account Appropriation .....	\$	1,207,000
Real Estate Commission Account Appropriation .....	\$	4,936,000
Total Appropriation .....	\$	33,170,000

The appropriations in this section are subject to the following conditions and limitations:

(1) A maximum of \$426,000 from the health professions account appropriation may be used to contract with the board of pharmacy for drug-related investigations regarding licensed health care professionals.

(2) \$750,000 of the general fund appropriation is provided solely for expansion of the master license system. This funding is contingent on interagency transfers totaling \$548,000 in value. The office of financial management shall determine: (a) Which agencies shall make transfers to the department of licensing; (b) how much each agency shall transfer; and (c) whether the transfers shall be money or in-kind.

(3) \$163,000 of the general fund appropriation, \$155,000 of the architects' license account appropriation, \$161,000 of the medical disciplinary account appropriation, \$544,000 of the health professions account appropriation, \$121,000 of the professional engineers' account appropriation, and \$229,000 of the real estate commission account appropriation shall be placed in reserve status by the office of financial management pending reappropriation by the legislature during the 1988 session. The department shall submit a report prior to December 1, 1987, to the ways and means committees of the senate and house of representatives describing and justifying the methods used to set the fees charged for professional regulation.

PART V  
EDUCATION

NEW SECTION. Sec. 501. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR STATE ADMINISTRATION

General Fund Appropriation—State .....	\$	17,701,000
General Fund Appropriation—Federal .....	\$	10,683,000
Public Safety and Education Account Appropriation .....	\$	456,000
Total Appropriation .....	\$	28,840,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The public safety and education account appropriation is provided solely for administration of the traffic safety education program, including in-service training related to instruction in the risks of driving while under the influence of alcohol and other drugs.

(2) \$364,000 of the general fund—state appropriation is provided solely for the continuation of the international education and teacher exchange programs. \$50,000 of this amount shall be used to contract for services to expand the program to include Latin America.

(3) \$18,000 of the general fund—state appropriation is provided solely for the continuation of the environmental education program.

(4) \$50,000 of the general fund—state appropriation is provided solely for pilot programs for Hispanic dropout prevention and retrieval.

(5) \$43,000 of the general fund—state appropriation is provided solely for the purchase of multi-cultural/multi-ethnic instructional materials to be distributed to all elementary and secondary school buildings in the state.

(6) The superintendent of public instruction shall, jointly with the state board for community college education, develop an integrated state plan for all state and federally funded vocational education services. The superintendent of public instruction and the state board for community college education shall also jointly develop a consistent and reliable data base on public vocational education, including enrollments, costs, program activities, and job placement. Such data shall be made available to the office of the governor and the legislature.

(7) \$35,000 of the general fund—state appropriation is provided solely for the development of a horticulture greenhouse project within the Sequim school district.

NEW SECTION. Sec. 502. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR EDUCATIONAL SERVICE DISTRICTS

General Fund Appropriation .....	\$	10,010,000
----------------------------------	----	------------

The appropriation in this section is subject to the following conditions and limitations: The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.21.088 (3) and (4).

**NEW SECTION. Sec. 503. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR GENERAL APPORTIONMENT (BASIC EDUCATION)**

General Fund Appropriation .....	\$	3,702,291,000
Revenue Accrual Account Appropriation .....	\$	55,100,000
Total Appropriation .....	\$	3,757,391,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$367,646,000 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 salary as determined under section 504(3)(a) 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) Fifty certificated staff units for each one thousand full time equivalent kindergarten through twelfth grade students;

(ii) For the 1987-88 school year, three additional certificated staff units for each one thousand full time equivalent students in kindergarten through grade three; and

(iii) For the 1988-89 school year, four additional certificated staff units for each one thousand full time equivalent students in kindergarten through grade three.

(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 share that such increased enrollment would have generated had such additional full time equivalent students been included in the normal enrollment count for that particular month.

(c) One certificated staff unit 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 one certificated staff unit 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, two certificated staff units for enrollment of not more than five students, plus one-twentieth of a certificated staff unit for each additional student enrolled; and

(ii) For those enrolling students in either grades seven or eight, two certificated staff units for enrollment of not more than five students, plus one-tenth of a certificated 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 enrollments of up to sixty annual average full time equivalent students in kindergarten through grade six, three certificated staff units; and

(ii) For enrollments of up to twenty annual average full time equivalent students in grades seven and eight, one certificated staff unit.

(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 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 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, for enrollments in each such high school, excluding handicapped and vocational full time equivalent enrollments:

(i) Nine and one-half certificated staff units for the first sixty annual average full time equivalent students; and

(ii) Additional certificated staff units based upon a ratio of one certificated staff unit per each additional forty-three and one-half 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(3)(b) of this act by the district's formula-generated classified staff units determined as follows:

(a) For enrollments generating certificated staff unit allocations under subsection (2)(d) through (h) of this section, one classified staff unit per each three certificated staff units allocated under such subsection.

(b) For all other enrollments, including vocational enrollments recognized under subsection (2)(c) of this section, but excluding handicapped full time equivalent enrollments, 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 19.41 percent in the 1987-88 school year and 19.53 percent in the 1988-89 school year of certificated salary allocations provided under subsection (2) of this section, and a rate of 17 percent in the 1987-88 school year and 17.12 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 subsection (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 \$3,176,000 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 \$1,121,000 may be expended in fiscal year 1989.

(c) A maximum of \$272,000 may be expended for school district emergencies.

(9) For the purposes of section 1 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 3.1 percent between the 1986-87 and 1987-88 school years, and 3.7 percent between the 1987-88 and 1988-89 school years.

(10) 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 shall be recognized as levy reduction funds:

(a) For certificated staff units generated under subsection (2)(a)(ii) of this section, all allocations for nonemployee related costs and one-half of all allocations for certificated salaries and benefits; and

(b) For certificated staff units generated under subsection (2)(a)(iii) of this section, one-third of all allocations including salaries, benefits, and nonemployee related costs.

(11) As a condition to the allocation of funds to school districts appropriated pursuant to this section, the superintendent of public instruction shall require school districts to ensure that, during the respective school year, the district has complied with all rules adopted by the superintendent of public instruction to implement RCW 28A.58.095. For any violation of such rules, the superintendent shall withhold an amount equal to the level of violation when applied to the district's respective basic education allocation, unless or until such time as the school district comes into compliance with the rules.

(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.

(13) The revenue accrual account appropriation in this section is provided solely for pension contribution allocations under subsection (4) of this section.

**NEW SECTION. Sec. 504. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—SCHOOL DISTRICT EMPLOYEE COMPENSATION**

General Fund Appropriation . . . . . \$ 108,074,000

For the purposes of section 503 of this act and this section, the following conditions and limitations apply:

(1)(a) "LEAP Document 10A" means the computer tabulation of 1986-87 derived base salaries for basic education certificated staff and 1986-87 average salaries for basic education classified staff, as developed by the legislative evaluation and accountability program committee on May 11, 1987, at 11:07 hours.

(b) "LEAP Document 1" means the computer tabulation of staff mix factors characterizing certificated staff by educational experience and years of service, as developed by the legislative evaluation and accountability program committee on April 20, 1981, at 11:35 hours.

(c) "Incremental fringe benefits" means 18.77 percent in the 1987-88 school year and 18.89 percent in the 1988-89 school year for certificated staff, and 13.47 percent in the 1987-88 school year and 13.59 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 this section.

(2) For the purposes of RCW 28A.58.095 and section 503(10) of this act, the following conditions and limitations apply:

(a) Effective January 1, 1988, each school district is authorized to grant salary increases that increase the district's basic education certificated derived base salary to no more than the sum of: (i) The district's certificated derived base salary as shown on LEAP Document 10A; and (ii) 3 percent of the state-wide average certificated derived base salary shown on LEAP Document 10A.

(b) Effective January 1, 1989, each school district is authorized to grant salary increases that increase the district's basic education certificated derived base salary to no more than the sum of: (i) The district's maximum certificated derived base salary for the 1987-88 school year under (a) of this subsection; and (ii) 3.09 percent of the state-wide average certificated derived base salary as shown on LEAP Document 10A.

(c) Effective January 1, 1988, each school district is authorized to grant salary increases that increase the district's basic education average classified salary to no more than the sum of: (i) The district's average classified salary as shown on LEAP Document 10A; and (ii) 3 percent of the state-wide average classified salary shown on LEAP Document 10A.

(d) Effective January 1, 1989, each school district is authorized to grant salary increases that increase the district's basic education average classified salary to no more than the sum of: (i) The district's maximum average classified salary for the 1987-88 school year under (c) of this subsection; and (ii) 3.09 percent of the state-wide average classified salary as shown on LEAP Document 10A.

(e) The maximum percentage salary increase in school district programs other than the basic education program shall not exceed the percentage increase authorized pursuant to this section for the district's basic education program.

(f) (i) The maximum percentage increase in each district's certificated derived base salary shall not exceed the percentage increase authorized pursuant to this section in the district's basic education certificated derived base salary.

(ii) The maximum percentage increase in each district's classified average salary shall not exceed the percentage increase authorized pursuant to this section in the district's basic education average classified salary.

(g) Insurance benefits are limited by this act to an average monthly rate of \$167 per full time equivalent certificated employee and to an average monthly rate of \$167 per classified unit. Classified units shall be calculated on the basis of 1,440 hours of work per year, with no individual employee counted for more than one unit. In accordance with RCW 28A.58.095, this subsection relates to insurance benefit increases granted in either the 1987-88 or 1988-89 school year which would raise the rate per full time equivalent unit to more than \$167 per month.

(h) Increments granted by school districts to certificated staff shall constitute salary increase in the year in which the increments are given by a district to the extent only that the aggregate of increments granted by a district exceeds the aggregate of increments pursuant to LEAP Document 1.

(i) School districts may elect an alternate measure of salary compliance for classified staff by comparing average salaries for the current school year to the imputed classified average

salary that was or would have been paid the same staff in the same positions during the prior school year if the districts electing this alternative certify by board resolution that any amount in excess of state-funded salary levels in each year thereafter is solely a district obligation created through local district personnel policies and salary schedule placements, and that the effect shall neither incur nor imply any current or future funding obligation by the state.

(j) For the purposes of this subsection and implementation of RCW 28A.58.095, "basic education" means those school district programs defined in the accounting manual for public schools in the state of Washington as 01 - Basic Education, 31 - Vocational Secondary, 94 - General Instructional Support, and 97 - General Support Services;

(3)(a) For the purposes of the appropriation in section 503 of this act, each district's average basic education certificated salary allocation shall be the district's certificated derived base salary as shown on LEAP Document 10A, multiplied by the district's prior year staff mix factor for basic education certificated staff calculated using LEAP Document 1.

(b) For the purposes of the appropriation in section 503 of this act, each district's average basic education classified salary allocation shall be the amount shown on LEAP Document 10A.

(4)(a) \$57,030,000 is provided to increase funding for each basic education certificated staff unit allocated for the 1987-88 and 1988-89 school years under section 503(2) of this act by an amount equal to the district's basic education certificated staff mix factor for the prior school year, determined using LEAP Document 1, multiplied by 3 percent of the state-wide average certificated derived base salary shown on LEAP Document 10A, and for incremental fringe benefits.

(b) \$18,928,000 is provided to increase funding for each basic education certificated staff unit allocated under section 503(2) of this act for the 1988-89 school year by an amount equal to the district's basic education certificated staff mix factor for the prior school year, determined using LEAP Document 1, multiplied by 3.09 percent of the state-wide average certificated derived base salary shown on LEAP Document 10A, and for incremental fringe benefits.

(c) \$11,300,000 is provided to increase funding for each basic education classified staff unit allocated for the 1987-88 and 1988-89 school years under section 503(3) of this act by 3 percent of the state-wide average classified salary shown on LEAP Document 10A, and for incremental fringe benefits.

(d) \$3,745,000 is provided to increase funding for each basic education classified staff unit allocated under section 503(3) of this act for the 1988-89 school year by 3.09 percent of the state-wide average classified salary shown on LEAP Document 10A, and for incremental fringe benefits.

(5) A maximum of \$6,460,000 is provided to implement salary increases 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 are for 3 percent salary increases effective January 1, 1988, and January 1, 1989, including 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 \$7.81 per pupil for the 1987-88 school year and by \$19.77 per pupil for the 1988-89 school year.

(b) Learning assistance: The rates specified in section 508 of this act shall be increased by \$5.94 per pupil for the 1987-88 school year and by \$15.03 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 \$4.62 per pupil for the 1987-88 school year and by \$11.71 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 \$41.49 per full time equivalent student for the 1987-88 school year, and by \$105.07 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 \$0.31 per weighted pupil-mile for the 1987-88 school year, and by \$0.79 per weighted pupil-mile for the 1988-89 school year.

(6) A maximum of \$10,611,000 is provided for salary increases and incremental fringe benefits for state-supported certificated and classified staff allocations in the handicapped program and state-supported staff in institutional education programs and educational service districts. Such moneys shall be distributed to implement a maximum salary increase of 3 percent effective January 1, 1988, and an additional 3 percent salary increase effective January 1, 1989.

**NEW SECTION. Sec. 505. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—SALARY EQUALIZATION**

General Fund Appropriation . . . . . \$ 12,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely to equalize the certificated derived base salaries on January 1, 1988, to the extent of available funds.

**NEW SECTION. Sec. 506. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—LOCAL EDUCATION PROGRAM ENHANCEMENT FUNDS**

General Fund Appropriation . . . . . \$ 49,500,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The purpose of this section 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.

(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:

(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 have high schools with sixty or fewer full-time equivalent students, the grant shall be based on sixty full-time equivalent students.

(3) For the 1987-89 biennium, each school district shall receive, in addition to the basic education allocation, a grant of no less than \$67.50 per full time equivalent student.

(4) For the purposes of this section, each school board shall:

(a) Assess the needs of the schools within the district;

(b) Assign priority to addressing the identified needs;

(c) Prepare a comprehensive two-year plan to address the priority needs identified by the committee within the grant funding limitations; and

(d) Develop an evaluation methodology to assess specifically how the expenditure of the grants demonstrate a direct educational benefit to the pupils within the district.

(5) New or existing programs enhanced by the funds provided to districts by a grant under this chapter shall not become a part of the state's basic education obligation as set forth by the Constitution.

(6) Funding appropriated and plans developed shall not be subject to collective bargaining.

(7) No school district board of directors may grant salary and compensation increases from a grant under this chapter 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.

(8) Local district grants may be used to fund any or all of the following activities:

(a) Innovative programs to increase the adult-pupil ratio without increasing the number of certificated staff, including but not limited to:

(i) Providing stipends to competent retired teachers to return them to the classroom as "team teachers" or classroom assistants;

(ii) Providing stipends to teachers' aides;

(iii) Providing incentives to administrators who spend a portion of their work day in the classroom team teaching or providing classroom assistance;

(iv) Providing recognition to citizen volunteers who assist in the classroom;

(v) Providing training programs for classroom assistants, including volunteers; and

(vi) Purchasing equipment that directly relates to classroom instruction or assists the teacher in minimizing time away from teaching.

(b) 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.

(c) 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.

(d) 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.

(e) In-service training programs for staff development including, but not limited to:

(i) Funding speakers 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.

(f) Programs that develop and promote logical reasoning and improved analytical skills, including programs for highly capable students.

(9) Stipends may be awarded under RCW 28A.58.093 to certificated or classified staff who assume extra duties that specifically relate to any activities included in subsection (10) of this section.

(10) Small or rural districts may enter into cooperative agreements to provide educational enhancements through the sharing of grant funds.

(11) The superintendent of public instruction shall make a comprehensive report to the legislature on the use of the local district grants and the educational benefits derived therefrom by January 31, 1989.

**NEW SECTION. Sec. 507. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR HANDICAPPED EDUCATION PROGRAMS**

General Fund Appropriation—State	\$	407,476,000
General Fund Appropriation—Federal	\$	45,318,000
Total Appropriation	\$	452,794,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$41,565,000 of the general fund—state appropriation is provided solely for the remaining months of the 1986-87 school year.

(2) The superintendent of public instruction shall distribute state funds for the 1987-88 and 1988-89 school years in accordance with districts' actual handicapped enrollments and the allocation model established in LEAP Document 9 as developed by the legislative evaluation and accountability program committee on March 17, 1987, at 11:07 hours.

(3) A maximum of \$411,000 may be expended from the general fund—state appropriation to fund 4.66 full time equivalent teachers and one aide at Children's Orthopedic Hospital and Medical Center. This amount is in lieu of money provided through the home and hospital allocation and the handicapped program.

(4) From state or federal funds appropriated under this section, the superintendent of public instruction shall allocate a total of \$130,000 for the early childhood home instruction program for hearing impaired infants and their families.

**NEW SECTION. Sec. 508. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR INSTITUTIONAL EDUCATION PROGRAMS**

General Fund Appropriation—State	\$	20,121,000
General Fund Appropriation—Federal	\$	7,034,000
Total Appropriation	\$	27,155,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,577,000 of the general fund—state appropriation is provided solely for the remaining months of the 1986-87 school year.

(2) \$10,097,000 of the general fund—state appropriation is provided solely for the 1987-88 school year, distributed as follows:

(a) \$4,129,000 is provided solely for programs in state institutions for the handicapped or emotionally disturbed. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of \$10,296 per full time equivalent student.

(b) \$2,979,000 is provided solely for programs in state institutions for delinquent youth. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of \$5,407 per full time equivalent student.

(c) \$370,000 is provided solely for programs in state group homes for delinquent youth. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of \$3,494 per full time equivalent student.

(d) \$564,000 is provided solely for juvenile parole learning center programs. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of \$1,395 per full time equivalent student, and are in addition to moneys allocated for these students through the basic education formula established in section 503 of this act.

(e) \$2,055,000 is provided solely for programs in county detention centers. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of \$4,014 per full time equivalent student.

(3) Distribution of state funding for the 1988-89 school year shall be based upon the following overall limitations for that school year including expenditures anticipated for July and August of 1989:

(a) State funding for programs in state institutions for the handicapped or emotionally disturbed may be distributed at a maximum rate averaged over all of these programs of \$10,298 per full time equivalent student and a total allocation of no more than \$3,735,000 for that school year.

(b) State funding for programs in state institutions for delinquent youth may be distributed at a maximum rate averaged over all of these programs of \$5,412 per full time equivalent student and a total allocation of no more than \$2,896,000 for that school year.

(c) State funding for programs in state group homes for delinquent youth may be distributed in that school year at a maximum rate averaged over all of these programs of \$3,504 per full time equivalent student and a total allocation of no more than \$371,000 for that school year.

(d) State funding for juvenile parole learning center programs may be distributed at a maximum rate averaged over all of these programs of \$1,387 per full time equivalent student and a total allocation of no more than \$560,000 for that school year, excluding funds provided through the basic education formula established in section 503 of this act.

(e) State funding for programs in county detention centers may be distributed at a maximum rate averaged over all of these programs of \$4,024 per full time equivalent student and a total allocation of no more than \$2,060,000 for that school year.

(4) The superintendent of public instruction may distribute a maximum of \$153,000 from the general fund—state appropriation to supplement moneys provided under subsections (1) through (3) of this section, for the purpose of addressing enrollment variations or other program needs, including increases in summer school programs.

**NEW SECTION. Sec. 509. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR TRANSITIONAL BILINGUAL PROGRAMS**

General Fund Appropriation . . . . . \$ 11,294,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$1,174,000 is provided solely for the remaining months of the 1986-87 school year.

(2) The superintendent shall distribute funds for the 1987-88 and 1988-89 school years at a rate for each year of \$420 per eligible student.

**NEW SECTION. Sec. 510. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE LEARNING ASSISTANCE PROGRAM**

General Fund Appropriation . . . . . \$ 54,148,000

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 \$356 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) If Substitute Senate Bill No. 5632 is not enacted by June 30, 1987, \$6,137,000 of the appropriation in this section shall lapse and the rate in subsection (2) of this section shall be \$357 per unit.

**NEW SECTION. Sec. 511. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS**

General Fund Appropriation . . . . . \$ 5,288,000

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) \$2,483,000 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 \$339 per student for up to one 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 \$342 per student for up to one percent of each district's 1988-89 full time equivalent enrollment.

(4) A maximum of \$340,000 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.

**NEW SECTION. Sec. 512. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE ENUMERATED PURPOSES**

General Fund Appropriation—Federal .....	\$	123,866,000
(1) Education Consolidation and Improvement Act .....	\$	120,554,000
(2) Education of Indian Children .....	\$	290,000
(3) Adult Basic Education .....	\$	3,022,000

**NEW SECTION. Sec. 513. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR VOCATIONAL-TECHNICAL INSTITUTES AND ADULT EDUCATION AT VOCATIONAL-TECHNICAL INSTITUTES**

General Fund Appropriation .....	\$	72,536,000
----------------------------------	----	------------

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 \$2,902 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 \$2,944 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.

(6) \$100,000 is provided solely to conduct a feasibility study and needs assessment for a vocational technical institute in the Seattle area.

**NEW SECTION. Sec. 514. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SPECIAL AND PILOT PROGRAMS**

General Fund Appropriation—State .....	\$	11,784,000
General Fund Appropriation—Federal .....	\$	4,000,000
Total Appropriation .....	\$	15,784,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$855,000 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. The Pacific Science Center shall work towards an equitable distribution of program activities state-wide. The center shall also determine the extent to which the state-wide need for science enrichment for K-12 students and teachers is being met by the outreach programs partially funded by this appropriation. The Pacific Science Center shall examine the geographical and demographic distribution of the populations served by these activities and recommend methods for efficiently reaching underserved student and teacher populations. These findings and recommendations shall be reported to the legislature by July 1, 1988.

(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.

(4) \$5,500,000 of the general fund—state appropriation is provided for solely for the implementation of the drop-out prevention and retrieval provisions of Engrossed Second Substitute House Bill No. 456. If the bill is not enacted by June 30, 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 June 30, 1987, this amount shall lapse.

(6) \$2,900,000 of the general fund—state appropriation is provided solely for the beginning teachers assistance program established under Substitute Senate Bill No. 5622. If the bill is not enacted by June 30, 1987, this amount shall lapse.

(7) \$225,000 of the general fund—state appropriation is provided solely for child abuse education provisions of Engrossed Substitute Senate Bill No. 5252. If the bill is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

(8) \$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. 515. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR EDUCATIONAL CLINICS**

General Fund Appropriation .....	\$	3,400,000
----------------------------------	----	-----------

The appropriation in this section is subject to the following conditions and limitations:

(1) Not more than \$1,688,000 of this appropriation shall be expended during fiscal year 1988.

(2) \$635,000 is provided solely to extend services to counties that were not served by educational clinics during the 1985-87 fiscal biennium.

**NEW SECTION. Sec. 516. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR CAREER LADDER DEMONSTRATION PROJECT**

General Fund Appropriation .....	\$	1,500,000
----------------------------------	----	-----------

The appropriation in this section is subject to the following conditions and limitations:

(1) \$1,000,000 is provided solely to establish an experimental career ladder program to be conducted by a school district with more than 16,000 students. The school district shall use the career ladder model established under the study conducted by the temporary committee on educational policies, structure and management, or shall use the model developed by an independent Washington organization which has made recommendations on career ladder models.

(2) \$500,000 is provided solely to establish an experimental career ladder program to be conducted by a school district with less than 16,000 students. The school district shall use the career ladder model established under the study conducted by the temporary committee on educational policies, structure and management, or shall use the model developed by an independent Washington organization which has made recommendations on career ladder models.

(3) The superintendent of public instruction is authorized to select participating school districts upon application by the school districts.

**NEW SECTION. Sec. 517. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PUPIL TRANSPORTATION**

General Fund Appropriation .....	\$	217,528,000
----------------------------------	----	-------------

The appropriation in this section is subject to the following conditions and limitations:

(1) \$20,678,000 is provided solely for distribution to school districts for the remaining months of the 1986-87 school year.

(2) A maximum of \$96,075,000 may be distributed for pupil transportation operating costs in the 1987-88 school year.

(3) A maximum of \$800,000 may be expended for regional transportation coordinators.

(4) A maximum of \$60,000 may be expended for bus driver training.

**NEW SECTION. Sec. 518. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR TRAFFIC SAFETY EDUCATION PROGRAMS**

Public Safety and Education Account Appropriation .....	\$	13,391,000
---	----	------------

The appropriation in this section is subject to the following conditions and limitations: Not more than \$565,000 may be expended for regional traffic safety education coordinators.

**NEW SECTION. Sec. 519. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL FOOD SERVICE PROGRAMS**

General Fund Appropriation—State .....	\$	6,000,000
--	----	-----------

General Fund Appropriation—Federal .....	\$	68,154,000
--	----	------------

Total Appropriation .....	\$	74,154,000
---------------------------	----	------------

**NEW SECTION. Sec. 520. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL DISTRICT SUPPORT**

General Fund Appropriation—State .....	\$	3,375,000
--	----	-----------

General Fund Appropriation—Federal .....	\$	4,677,000
--	----	-----------

Total Appropriation .....	\$	8,052,000
---------------------------	----	-----------

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) \$145,000 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) \$832,000 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. 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.

**NEW SECTION. Sec. 521. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR ENCUMBRANCES OF FEDERAL GRANTS**

General Fund Appropriation—Federal .....	\$	24,085,000
--	----	------------

**NEW SECTION. Sec. 522. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE STATE SCHOOL FOR THE DEAF**

General Fund Appropriation—State .....	\$	9,613,000
General Fund Appropriation—Federal .....	\$	148,000
Total Appropriation .....	\$	9,761,000

**NEW SECTION. Sec. 523. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE STATE SCHOOL FOR THE BLIND**

General Fund Appropriation .....	\$	5,201,000
----------------------------------	----	-----------

**PART VI  
HIGHER EDUCATION**

**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 602 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 appropriated 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 .....	\$	7,964
Washington State University .....	\$	6,724
Central Washington University, Eastern Washington University, The Evergreen State College, and Western Washington University:		
The first 3000 FTE Students .....	\$	6,040
Each Student over 3000 FTE .....	\$	3,941
State Board for Community College Education .....	\$	2,854

(3) Each institution of higher education and the state board for community college 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 expend the equipment enhancement authorized in sections 602 through 608 of this act;

(e) 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;

(f) The process for evaluating and accepting students for admission into the institution or the system;

(g) Any process developed by the institution or the system for evaluating student performance;

(h) Actions taken by the institution or system to operate programs jointly with another public or private institution;

(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; and

(j) The annual faculty turnover rates experienced by the institution or the system.

The state board for community college education shall collect and report the information required of the community college system under this subsection.

(4) The state board for community college education, in cooperation with the office of financial management, shall study the cost of faculty salary increments, including savings from full time faculty turnover, identify the faculty salary increment policy at each college district, and report the findings and recommendations to the 1989 regular session of the legislature.

(5) The state board for community college education shall, jointly with the superintendent of public instruction, develop an integrated state plan for all state and federally funded vocational education services. The superintendent of public instruction and the state board for community college education shall also jointly develop a consistent and reliable data base on



public vocational education, including enrollments, costs, program activities, and job placement. Such data shall be made available to the office of the governor and the legislature.

(6) 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.

(7) 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. At least \$147,000 of the amount appropriated to the University of Washington shall go to increase the efforts of the math, engineering, and science achievement program.

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

(8) The following are the maximum amounts that may be expended at each institution of higher education from the appropriations in sections 602 through 608 of this act for continuing the salary increases authorized by section 604, chapter 7, Laws of 1987 (ESSB 5351) from July 1, 1987, through February 29, 1988:

University of Washington	\$	3,893,000
Washington State University	\$	2,083,000
Central Washington University	\$	440,000
Eastern Washington University	\$	489,000
The Evergreen State College	\$	212,000
Western Washington University	\$	575,000
State Board for Community College Education	\$	4,036,000

Expenditures under this subsection shall be consistent with all terms and conditions contained in section 604, chapter 7, Laws of 1987 (ESSB 5351), which are hereby incorporated by reference.

(9) The following are maximum amounts which each institution may spend from the appropriations in sections 602 through 608 of this act 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, departmental chairpersons, teaching and research assistants, and medical residents: PROVIDED, That state-funded part time faculty at four-year institutions and the community college system as a whole shall be considered "exempt." "Exempt staff" includes presidents, chancellors, vice-presidents, administrative deans and professional personnel, and four-year institution librarians and counselors who are exempt from the classified service system: PROVIDED, That the librarians and counselors in the state community college system shall be considered "faculty."

University of Washington	\$	19,266,000
Washington State University	\$	9,493,000
Central Washington University	\$	2,159,000
Eastern Washington University	\$	2,469,000
The Evergreen State College	\$	1,069,000
Western Washington University	\$	2,893,000
State Board for Community College Education	\$	14,283,000
Higher Education Coordinating Board	\$	55,000

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:

	March 1, 1988	January 1, 1989
University of Washington	8.5%	8.4%
Washington State University	8.2%	8.1%
Central Washington University	7.6%	7.6%
Eastern Washington University	7.6%	7.6%
The Evergreen State College	7.6%	7.6%
Western Washington University	7.6%	7.6%
State Board for Community College Education	6.3%	6.0%

Part time faculty and exempt staff at each four-year institution, the community college system as a whole, and the higher education coordinating board are entitled to receive the average salary increases enumerated below on the effective dates indicated:

	March 1, 1988	January 1, 1989
--	---------------	-----------------

University of Washington	5%	3%
Washington State University	5%	3%
Central Washington University	4.5%	3%
Eastern Washington University	4.5%	3%
The Evergreen State College	4.5%	3%
Western Washington University	4.5%	3%
State Board for Community College Education	4.0%	3%
Higher Education Coordinating Board	3%	3%

Exempt librarians and counselors at the four-year institutions 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.

The salary increase authorized under this subsection may be granted to state employees at Washington State University who are supported in full or in part by federal land grant formula funds.

(10) In addition to the 6.4 and 6.3 percent salary increases provided to community college faculty in subsection (9) of this section, \$760,000 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	\$	83,000
Shoreline Community College	\$	163,000
Community College of Spokane	\$	358,000
Skagit Valley College	\$	77,000
Whatcom Community College	\$	13,000
Community College District 12	\$	35,000
Walla Walla Community College	\$	13,000
Highline Community College	\$	18,000

(11) 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 2.65 percent or \$50 per month, whichever is greater, salary increase effective January 1, 1988, and an additional 2.65 percent or \$50 per month, whichever is greater, salary increase effective January 1, 1989. These increases shall be implemented in compliance and conformity with all requirements of the comparable worth agreement ratified by 1986 Senate Concurrent Resolution No. 126.

University of Washington	\$	3,501,000
Washington State University	\$	2,365,000
Central Washington University	\$	478,000
Eastern Washington University	\$	583,000
The Evergreen State College	\$	337,000
Western Washington University	\$	652,000
State Board for Community College Education	\$	3,166,000
Higher Education Coordinating Board	\$	23,000

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.

(12) Any institution that grants an average salary increase in excess of the amounts authorized in subsection (9) 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 subsections (9) and (10) 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	\$	536,125,000
----------------------------	----	-------------

The appropriation in this section is subject to the following conditions and limitations:

(1) At least \$170,000 shall be spent solely for necessary expenditures attributable to the fire of February 16, 1987, at Everett Community College.

(2) 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	\$	517,455,000
Medical Aid Fund Appropriation	\$	2,553,000
Accident Fund Appropriation	\$	2,553,000
Death Investigations Account Appropriation	\$	594,000
Total Appropriation	\$	523,155,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$11,017,000 of the general fund appropriation is provided solely for equipment.

(2) At least \$1,500,000 shall be spent to increase state funded applied research and public policy studies.

(3) A maximum of \$1,504,000 shall be spent to enlarge the dimensions of the international studies program focusing on the Pacific Rim.

(4) The university shall conduct research on the health and safety hazards of video display terminals in the workplace. No more than \$75,000 shall be expended for this purpose.

(5) \$400,000 of the general fund appropriation is provided solely to conduct a study of the potential environmental and economic impacts of oil and gas exploration off the coast of Washington.

**NEW SECTION, Sec. 604. FOR WASHINGTON STATE UNIVERSITY**

General Fund Appropriation . . . . . \$ 286,800,000

The appropriation in this section is subject to the following conditions and limitations:

- (1) \$4,950,000 is provided solely for equipment.
- (2) \$300,000 is provided solely to continue the Yakima nursing training program.
- (3) \$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.
- (4) \$750,000 is provided solely to enhance and operate the Washington higher education telecommunications system (WHETS) for the purpose of allowing the delivery of university courses directly to Spokane, Vancouver, Seattle, and the Tri-Cities.
- (5) \$427,000 is provided solely for start-up and operation of the health research and education center in Spokane.

**NEW SECTION, Sec. 605. FOR EASTERN WASHINGTON UNIVERSITY**

General Fund Appropriation . . . . . \$ 81,248,000

The appropriation in this section is subject to the following conditions and limitations:

- (1) \$1,214,000 is provided solely for equipment.
- (2) \$150,000 is provided solely for start-up and operation of the health research and education center in Spokane.

**NEW SECTION, Sec. 606. FOR CENTRAL WASHINGTON UNIVERSITY**

General Fund Appropriation . . . . . \$ 69,140,000

The appropriation in this section is subject to the following conditions and limitations:

- (1) \$1,065,000 is provided solely for equipment.
- (2) \$310,000 is provided solely to assist Central Washington University's school of business in achieving accreditation.

**NEW SECTION, Sec. 607. FOR THE EVERGREEN STATE COLLEGE**

General Fund Appropriation . . . . . \$ 40,028,000

The appropriation in this section is subject to the following conditions and limitations:

- (1) \$958,000 is provided solely for equipment.
- (2) \$400,000 of the general fund appropriation is provided solely for the Washington state center for the improvement of the quality of undergraduate education.
- (3) \$300,000 of the general fund appropriation is provided solely for summer seminars in coordination with the national faculty of humanities, arts and sciences to improve the quality of teaching in high schools and community colleges.
- (4) \$200,000 is provided solely for a labor center which will serve as a mechanism for offering labor-related short courses and seminars in continuing education. The college shall endeavor to obtain additional funds for the center from nonstate funds.

**NEW SECTION, Sec. 608. FOR WESTERN WASHINGTON UNIVERSITY**

General Fund Appropriation . . . . . \$ 88,343,000

The appropriation in this section is subject to the following conditions and limitations:

- (1) \$2,632,995 is provided solely for equipment.
- (2) \$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 . . . . .	\$	52,680,000
General Fund Appropriation—Federal . . . . .	\$	3,471,000
State Educational Grant Appropriation . . . . .	\$	40,000
Total Appropriation . . . . .	\$	56,191,000

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 \$18,100,000 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 professor trust fund.
- (3) If Substitute House Bill No. 857, establishing the future teachers conditional scholarship program, is not enacted by June 30, 1987, \$300,000 of the general fund—state appropriation shall lapse.

(4) \$650,000 of the general fund—state appropriation is provided solely for 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 projects submitted for educational improvements in one or more of the areas listed below:

- (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.

**NEW SECTION. Sec. 610. FOR WASHINGTON STATE LIBRARY**

General Fund Appropriation—State	\$	9,280,000
General Fund Appropriation—Federal	\$	4,399,000
General Fund Appropriation—Private/Local	\$	634,000
Western Library Network Computer System Revolving Fund Approp- riation—Private/Local	\$	12,556,000
Total Appropriation	\$	26,869,000

**NEW SECTION. Sec. 611. FOR THE COMPACT FOR EDUCATION**

General Fund Appropriation	\$	85,000
----------------------------	----	--------

**NEW SECTION. Sec. 612. FOR THE HIGHER EDUCATION PERSONNEL BOARD**

Higher Education Personnel Board Service Fund Appropriation	\$	1,947,000
---	----	-----------

**NEW SECTION. Sec. 613. FOR THE WASHINGTON STATE ARTS COMMISSION**

General Fund Appropriation—State	\$	3,409,000
General Fund Appropriation—Federal	\$	780,000
Total Appropriation	\$	4,189,000

**NEW SECTION. Sec. 614. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

General Fund Appropriation	\$	863,000
----------------------------	----	---------

The appropriation in this section is subject to the following conditions and limitations:

(1) \$70,000 is provided solely for costs of the Smithsonian Institution's "Magnificent Voyagers" exhibit.

(2) \$83,000 is provided solely to fund an assistant director position to assist in the implementation of the society's long-range plan. The plan includes, but is not limited to, increasing private funds to support operational costs, achieving national accreditation, and improving current programs.

**NEW SECTION. Sec. 615. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY**

General Fund Appropriation—State	\$	685,000
General Fund Appropriation—Federal	\$	88,000
Total Appropriation	\$	773,000

**NEW SECTION. Sec. 616. FOR THE STATE CAPITOL HISTORICAL ASSOCIATION**

General Fund Appropriation	\$	746,000
State Capitol Historical Association Museum Account Appropriation	\$	117,000
Total Appropriation	\$	863,000

**PART VII**

**SPECIAL APPROPRIATIONS**

**NEW SECTION. Sec. 701. FOR THE GOVERNOR—COMPENSATION—SALARY AND**

**INSURANCE BENEFITS**

General Fund Appropriation—State	\$	45,845,000
General Fund Appropriation—Federal	\$	9,645,000
Special Fund Salary and Insurance Contribution		
Increase Revolving Fund Appropriation	\$	36,835,000
Total Appropriation	\$	92,325,000

The appropriations in this section, or so much thereof as may be necessary, shall be expended exclusively for the purposes designated in this section and are subject to the conditions and limitations specified in this section.

(1) \$30,722,000 of the general fund—state appropriation, \$9,644,000 of the general fund—federal appropriation, and \$25,397,000 of the special fund salary and insurance contribution increase revolving fund appropriation are provided for a 2.65 percent or \$50 per month, whichever is greater, salary increase effective January 1, 1988, and an additional 3.0 percent salary increase effective January 1, 1989, for all state personnel board classified and exempt employees. These increases shall be implemented in compliance and conformity with all requirements of the comparable worth agreement ratified by 1986 Senate Concurrent Resolution No. 126.

(2) \$1,000 of the general fund—federal appropriation and \$82,000 of the special fund salary and insurance revolving fund appropriation are provided for a 2.65 percent or \$50 per month, whichever is greater, salary increase effective January 1, 1988, and an additional 3.0

percent salary increase effective January 1, 1989, for higher education personnel board classified and exempt employees employed by the higher education coordinating board and the higher education personnel board. These increases shall be implemented in compliance and conformity with all requirements of the comparable worth agreement ratified by 1986 Senate Concurrent Resolution No. 126.

(3) \$123,000 of the general fund—state appropriation and \$2,056,000 of the special fund salary and insurance contribution increase revolving fund appropriation are provided for a three percent salary increase effective January 1, 1988, followed by an additional three percent salary increase effective January 1, 1989, for commissioned officers of the Washington state patrol.

(4) The governor shall allocate to state agencies from the general fund—state appropriation \$5,000,000 for fiscal year 1988 and \$10,000,000 for fiscal year 1989, and from the special fund salary and insurance contribution increase revolving fund appropriation \$3,100,000 for fiscal year 1988 and \$6,200,000 for fiscal year 1989 to fulfill the 1987-89 obligations of the comparable worth agreement ratified by 1986 Senate Concurrent Resolution No. 126.

(5) (a) The monthly contributions for insurance benefits shall not exceed \$167.00 per eligible employee.

(b) Any returns of funds to the state employees' insurance board resulting from favorable claims experienced during the 1987-89 biennium shall be held in reserve within the state employees insurance fund until appropriated by the legislature.

(c) Funds provided under this section, including funds resulting from dividends or refunds, shall not be used to increase employee insurance benefits over the level of services provided on the effective date of this act. Contributions by any county, municipal, or other political subdivision to which coverage is extended after the effective date of this act shall not receive the benefit of any surplus funds attributable to premiums paid prior to the date on which coverage is extended.

(6) To facilitate the transfer of moneys from dedicated funds and accounts, the state treasurer is directed to transfer sufficient moneys from each dedicated fund or account to the special fund salary and insurance contribution increase revolving fund in accordance with schedules provided by the office of financial management.

(7) In calculating individual agency allocations for this section, the office of financial management shall calculate the allocation of each subsection separately. The separate allocations for each agency may be combined under a single appropriation code for improved efficiency. The office of financial management shall transmit a list of agency allocations by subsection to the committees on ways and means of the senate and house of representatives.

(8) No salary increase may be paid under this section to any person whose salary has been Y-rated pursuant to rules adopted by the state personnel board or the higher education personnel board.

**NEW SECTION, Sec. 702. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—CONTRIBUTIONS TO RETIREMENT SYSTEMS**

The appropriations in this section are subject to the following conditions and limitations: The appropriations shall be made on a quarterly basis.

(1) There is appropriated for state contributions to the law enforcement officers' and fire fighters' retirement system.

	FY 1988	FY 1989
Revenue Accrual Account Appropriation . . . . .	\$ 57,134,000	52,866,000
Total Appropriation . . . . .	\$110,000,000	

(2) There is appropriated for contributions to the judicial retirement system an amount sufficient to meet the cash flow requirements of all benefit payments made during the 1987-89 biennium.

	FY 1988	FY 1989
General Fund Appropriation . . . . .	\$ 1,350,000	1,350,000
Total Appropriation . . . . .	\$2,700,000	

(3) There is appropriated for contributions to the judges retirement system an amount sufficient to meet the cash flow requirements of all benefit payments made during the 1987-89 biennium.

	FY 1988	FY 1989
General Fund Appropriation . . . . .	\$ 800,000	800,000
Total Appropriation . . . . .	\$1,600,000	

(4) The initial employer trust fund contribution rate for all employers of members of the retirement system governed by chapter 41.32 RCW (the teachers' retirement system) shall be set at 11.22% of earnable compensation for the 1987-89 biennium.

(5) The initial employer trust fund contribution rate for all employers of members of the retirement system governed by chapter 41.40 RCW (the public employees' retirement system) shall be set at 5.92% of compensation earnable for the 1987-89 biennium.

(6) The employer rate for all employers of members of the retirement system governed by chapter 43.43 RCW (the state patrol retirement system) shall be set at 19.88% of compensation, the level recommended by the state actuary.

**NEW SECTION, Sec. 703. FOR THE OFFICE OF FINANCIAL MANAGEMENT—CONTRIBUTIONS TO RETIREMENT SYSTEMS**

	FY 1988	FY 1989
General Fund Appropriation . . . . .	\$ 1,300,000	1,300,000
Total Appropriation . . . . .	\$2,600,000	

The appropriations in this section are subject to the following conditions and limitations:

(1) \$600,000 of the general fund—state appropriation shall be distributed to state agencies for the purpose of additional contributions required for the public employees' retirement system as a result of Senate Bill No. 5150.

(2) \$2,000,000 of the general fund—state appropriation shall be distributed to the superintendent of public instruction for the purpose of additional contributions required for the teachers' retirement system as a result of Senate Bill No. 5150.

(3) If Senate Bill No. 5150 is not enacted by June 30, 1987, the appropriations in this section shall lapse.

**NEW SECTION, Sec. 704. FOR THE GOVERNOR—EMERGENCY FUND**

General Fund Appropriation—State . . . . .	\$ 2,000,000
--	--------------

The appropriation in this section is for the governor's emergency fund to be allocated for the carrying out of the critically necessary work of any agency.

**NEW SECTION, Sec. 705. FOR THE GOVERNOR—INDIAN CLAIMS**

General Fund Appropriation . . . . .	\$ 4,000,000
--------------------------------------	--------------

The appropriation in this section is subject to the following conditions and limitations:

(1) Before June 30, 1988, the governor, through the department of community development, in consultation with the attorney general, may use all or any portion of the amount appropriated for the purpose of settling the claims of the Puyallup Indian tribe to lands formerly lying beneath the Puyallup river.

(2) On and after July 1, 1988, the governor through the department of general administration may provide for purchasing, for current or future public purposes, any land for which the tribal claim remains unsettled, subject to all of the following:

(a) Before March 31, 1989, the owner of the land must offer in writing to sell the land at a price not exceeding what its market value would be without the tribal claim.

(b) If a parcel lies partially on lands formerly beneath the Puyallup river and partially outside such lands, the department also may elect to purchase all or part of the portion lying outside such lands if the purchase is reasonably necessary to make the purchased land suitable for a public purpose.

(c) The sale to the state of each parcel shall include an assignment of any rights the landowner has against others for defects in title to the land.

(d) In order to facilitate the use of the land for a public purpose, the department may purchase parcels conditioned on access being provided by the seller or other landowners. The department may also use any other lawful means to gain access to the purchased land.

(3) Up to \$100,000 of the appropriation may be used by the department of community development to conduct a study of other Indian claims. An initial report shall be presented to the legislature by December 31, 1987.

**NEW SECTION, Sec. 706. FOR THE GOVERNOR—UNIFIED BUSINESS IDENTIFIER**

General Fund Appropriation . . . . .	\$ 2,984,000
Accident Fund Appropriation . . . . .	\$ 281,000
Medical Aid Fund Appropriation . . . . .	\$ 281,000
Total Appropriation . . . . .	\$ 3,546,000

**NEW SECTION, Sec. 707. FOR THE GOVERNOR—STATE AND LOCAL CONTROLLED SUBSTANCES ENFORCEMENT ASSISTANCE**

General Fund Appropriation—Federal . . . . .	\$ 3,557,000
--	--------------

**NEW SECTION, Sec. 708. FOR THE GOVERNOR—LEGAL SERVICES AUGMENTATION**

General Fund Appropriation . . . . .	\$ 2,520,000
Special Fund Agency Legal Services Augmentation Revolving Fund	
Appropriation . . . . .	\$ 3,780,000
Total Appropriation . . . . .	\$ 6,300,000

The appropriations in this section are subject to the following conditions and limitations: To facilitate payment of the legal services augmentation from special funds, the state treasurer is directed to transfer sufficient moneys from each special fund to the special fund agency legal services augmentation revolving fund, hereby created, in accordance with schedules provided by the office of financial management. The governor shall distribute the moneys appropriated in this section to agencies to pay for legal services augmentation.

**NEW SECTION, Sec. 709. FOR THE GOVERNOR—ARTS STABILIZATION**

General Fund Appropriation . . . . .	\$ 600,000
--------------------------------------	------------

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for a state-wide stabilization program for arts organizations which have annual budgets exceeding \$200,000.

**NEW SECTION, Sec. 710. FOR THE GOVERNOR—CONTINGENCY RESERVE**

General Fund Appropriation . . . . .	\$ 12,500,000
--------------------------------------	---------------

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the purposes of supplementing appropriations provided in sections 208 and 210 of this act if anticipated savings resulting from the expansion of mandatory monthly reporting for caseload administrative control are not realized.

**NEW SECTION, Sec. 711. FOR THE GOVERNOR—VOCATIONAL EDUCATION AND TRAINING**

General Fund Appropriation—State	\$	4,607,000
General Fund Appropriation—Federal	\$	22,562,000
Total Appropriation	\$	27,169,000

The appropriations in this section are subject to the following conditions and limitations:

(1) These appropriations are provided solely to carry out functions previously maintained by the commission for vocational education, which was terminated effective June 30, 1987, by RCW 43.131.288.

(2) The governor may designate by executive order the agency or agencies necessary to maintain and continue the availability of federal funds and the programs related thereto, such as the Carl Perkins vocational act, the federal job training and partnership act, and federal veterans administration approval of schools, pursuant to RCW 43.06.120.

(3) The governor may designate by executive order the agency or agencies whose substantive authority would allow them to carry out programs which were previously administered by the commission for vocational education and which were not terminated by RCW 43.131.288, such as the private vocational schools act, the job skills program, and the Washington award for vocational excellence.

(4) No state funds may be used by the advisory council for vocational education.

**NEW SECTION, Sec. 712. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—TRANSFERS**

General Fund Appropriation: For transfer to the Department of Retirement Systems Expense Fund	\$	19,000
Motor Vehicle Fund—State Patrol Highway Account Appropriation: For transfer to the Department of Retirement Systems Expense Fund	\$	92,300

**NEW SECTION, Sec. 713. FOR THE STATE TREASURER—TRANSFERS**

General Fund Appropriation: For transfer to the Institutional Impact Account	\$	316,600
General Government Special Revenue Fund—State Treasurer's Service Account Appropriation: For transfer to the general fund on or before July 20, 1989, an amount up to \$5,000,000 in excess of the cash requirements in the State Treasurer's Service Account for fiscal year 1990, for credit to the fiscal year in which earned	\$	5,000,000
Charitable, Educational, Penal and Reformatory Institutions Account Appropriations: For transfer to the Resource Management Cost Account to the extent that funds are available as determined by the department of natural resources. The department shall provide the state treasurer with a schedule of such transfers	\$	3,000,000
General Fund Appropriation: For transfer to the Natural Resources Fund—Water Quality Account	\$	7,913,300
General Fund Appropriation: For transfer to the Miscellaneous Fund—Tort Claims Revolving Fund	\$	2,500,000
Employment Security Fund—Deferred Compensation Revolving Fund: For transfer to the Motor Vehicle Fund	\$	861,000
Ferry System Fund: For transfer to the Tort Claims Revolving Fund for claims paid on behalf of the department of transportation, Washington state ferry system during the period July 1, 1987, through June 30, 1989	\$	884,100
Puget Sound Ferry Operations Account: For transfer to the Tort Claims Revolving Fund for claims paid on behalf of the department of transportation, Washington state ferry system during the period July 1, 1987, through June 30, 1989	\$	378,900
Motor Vehicle Fund: For transfer to the Tort Claims Revolving Fund for claims paid on behalf of the department of transportation during the period July 1, 1987 through June 30, 1989	\$	14,200,000

**NEW SECTION, Sec. 714. FOR SUNDRY CLAIMS**

The following sums, or so much thereof as are necessary, are appropriated from the general fund, unless otherwise indicated, for the payment of court judgments and for relief of various individuals, firms, and corporations for sundry claims. These appropriations are to be disbursed on vouchers approved by the director of the department of general administration, except as otherwise provided, as follows:

(1) In settlement of all claims for expenses in State v. Blanusca, Superior Court for Pierce County, Judgment No. 85-1-00253-1, pursuant to RCW 9.01.200, including interest	\$	16,057,000
--	----	------------

(2) Terence R. Whitten, payment of judgment in State v. Black, Superior Court for Spokane County, Cause No. 247104	\$	92,020.00
(3) Richard D. McWilliams, payment of judgment in State v. Black, Superior Court for Spokane County, Cause No. 247104	\$	68,835.00
(4) In settlement of all claims for expenses in State v. Austin, Superior Court for Thurston County, Judgment No. 85-1-00497-7, pursuant to RCW 9.01.200, including interest	\$	10,213.00
(5) In settlement of all claims for expenses in City of Bellevue v. Irons, Superior Court for King County, Judgment No. 86-1-03095-2, pursuant to RCW 9.01.200, including interest	\$	27,888.00
(6) In settlement of all claims for expenses in State v. Striegel, South District Court of Snohomish County, Judgment No. 86-07847, pursuant to RCW 9.01.200, including interest	\$	5,926.00
(7) In settlement of all claims for expenses in State v. Shirley, Cascade District Court of Snohomish County, Judgment No. SCS-58916, pursuant to RCW 9.01.200, including interest	\$	1,623.00
(8) In settlement of all claims for expenses in City of Wenatchee v. Pedersen, District Court of Chelan County, Judgment No. 6723 WPD, pursuant to RCW 9.01.200, including interest	\$	1,432.00
(9) In settlement of all claims for expenses in State v. Enemark, District Court # 1 of Pierce County, Judgment No. 85-6-52377-3, pursuant to RCW 9.01.200, including interest	\$	5,334.00
(10) In settlement of all claims for expenses in State v. Thompson, Superior Court of Spokane County, Judgment No. 82-1-0064-7, pursuant to RCW 9.01.200, including interest	\$	8,233.00
(11) Compensation to the following for all pending claims of damage to crops by game: PROVIDED, That payment shall be made from the Game Fund:		
(a) Kenneth Allen Hammond	\$	1,272.00
(b) Rudy Etzkorn	\$	4,200.00
(c) Joe C. Grentz	\$	14,261.00
(12) Department of social and health services, for payment of retroactive salary increases as required in Washington Federation of State Employees v. State Personnel Board, superior Court of Thurston County, Order No. 80-2-00966-1: PROVIDED, That to the extent that federal financial participation is available, the department shall apply such funds before using this appropriation	\$	10,970,000.00

NEW SECTION. Sec. 715. FOR BELATED CLAIMS

(1) There is appropriated to the office of financial management for payment of supplies and services furnished in previous biennia, from the General Fund . . . . . \$ 1,125,000

(2) The following sums, or so much thereof as shall severally be found necessary, are hereby appropriated and authorized to be expended out of the several funds indicated, for the period from the effective date of this act to June 30, 1989, except as otherwise noted.

To reimburse the general fund for expenditures from belated claims appropriations to be disbursed on vouchers approved by the office of financial management:

Medical Disciplinary Account	\$	4,655
Institutional Impact Account	\$	36,816
Architects' License Account	\$	1,062
Cemetery Account	\$	45
Hazardous Waste Control and Elimination Account	\$	6
Public Safety and Education Account	\$	31,011
Health Professions Account	\$	13,465
Professional Engineers' Account	\$	81
Real Estate Commission Account	\$	623
Reclamation Revolving Account	\$	14
State Investment Board Expense Account	\$	134
Capitol Building Construction Account	\$	55,831
Motor Transport Account	\$	9,665
State Capitol Historical Association Museum Account	\$	76
Resource Management Cost Account	\$	7,684
Capitol Purchase and Development Account	\$	16,603
Litter Control Account	\$	358
State and Local Improvements Revolving Account (Waste Disposal Facilities)	\$	12
State Building Construction Account	\$	67,372
Outdoor Recreation Account	\$	268
State Social and Health Services Construction Account	\$	1,142



Grade Crossing Protective Fund	\$	79,466
State Patrol Highway Account	\$	45,879
Motorcycle Safety Education Fund	\$	7,725
Nursery Inspection Fund	\$	38
Seed Fund	\$	347
Electrical License Fund	\$	1,727
State Game Fund	\$	64,064
Highway Safety Fund	\$	6,297
Motor Vehicle Fund	\$	24,572
Public Service Revolving Fund	\$	5,418
State Treasurer's Service Fund	\$	1,561
Legal Services Revolving Fund	\$	9,650
Municipal Revolving Fund	\$	4,146
General Administration Facilities and Services Revolving Fund	\$	6,140
Department of Personnel Service Fund	\$	366
Higher Education Personnel Board Service Fund	\$	331
State Employees' Insurance Fund	\$	499
State Auditing Services Revolving Fund	\$	3,028
Liquor Revolving Fund	\$	4,629
Department of Retirement Systems Expense Fund	\$	10,264
Accident Fund	\$	29,386
Medical Aid Fund	\$	29,232
Western Library Network Computer System Revolving Fund	\$	30,443
Pressure Systems Safety Fund	\$	196

NEW SECTION, Sec. 716. FOR THE STATE TREASURER—STATE REVENUES FOR

DISTRIBUTION

General Fund Appropriation for fire insurance premiums tax distribution	\$	6,187,000
General Fund Appropriation for public utility district excise tax distribution	\$	24,031,000
General Fund Appropriation for prosecuting attorneys' salaries	\$	1,950,000
General Fund Appropriation for motor vehicle excise tax distribution	\$	58,630,000
General Fund Appropriation for local mass transit assistance	\$	177,580,000
General Fund Appropriation for camper and travel trailer excise tax distribution	\$	2,283,000
Aquatic Lands Enhancement Account Appropriation for harbor improvement revenue distribution	\$	60,000
Liquor Excise Tax Fund Appropriation for liquor excise tax distribution	\$	17,807,000
Motor Vehicle Fund Appropriation for motor vehicle fuel tax and overload penalties distribution	\$	272,649,000
Liquor Revolving Fund Appropriation for liquor profits distribution	\$	39,100,000
Timber Tax Distribution Account Appropriation for distribution to "Timber" counties	\$	39,044,000
Municipal Sales and Use Tax Equalization Account Appropriation	\$	31,570,000
County Sales and Use Tax Equalization Account Appropriation	\$	10,900,000
Death Investigations Account Appropriation for distribution to counties for public funded autopsies	\$	592,000
Total Appropriation	\$	682,383,000

NEW SECTION, Sec. 717. FOR THE STATE TREASURER—FEDERAL REVENUES FOR

DISTRIBUTION

Forest Reserve Fund Appropriation for federal forest reserve fund distribution	\$	58,414,601
General Fund Appropriation for federal flood control funds distribution	\$	24,000
General Fund Appropriation for federal grazing fees distribution	\$	50,000
Geothermal Account Appropriation—Federal	\$	60,000
General Fund Appropriation for distribution of federal funds to counties in conformance with Public Law 97-99	\$	300,000
Total Appropriation	\$	58,848,601

NEW SECTION, Sec. 718. FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST,

INCLUDING ONGOING BOND REGISTRATION AND TRANSFER CHARGES

Fisheries Bond Redemption Fund 1977 Appropriation	\$	1,280,467
Salmon Enhancement Bond Redemption Fund 1977 Appropriation	\$	5,479,684
Higher Education Refunding Bond Redemption Fund 1977 Appropriation	\$	8,773,875
Fire Service Training Center Bond Retirement Fund 1977 Appropriation	\$	1,619,731

Highway Bond Retirement Fund Appropriation .....	\$	171,910,324
Indian Cultural Center Construction Bond Redemption Fund 1976 Appropriation .....	\$	233,575
Higher Education Bond Redemption Fund 1977 Appropriation .....	\$	19,528,417
Ferry Bond Retirement Fund 1977 Appropriation .....	\$	25,627,988
Emergency Water Projects Bond Retirement Fund 1977 Appropriation .....	\$	2,604,490
Public School Building Bond Redemption Fund 1965 Appropriation .....	\$	1,238,790
Spokane River Toll Bridge Account Appropriation .....	\$	889,088
Higher Education Bond Retirement Fund 1979 Appropriation .....	\$	10,736,990
State General Obligation Bond Retirement Fund 1979 Appropriation .....	\$	327,069,045
Fisheries Bond Redemption Fund 1976 Appropriation .....	\$	764,034
State Building Bond Redemption Fund 1967 Appropriation .....	\$	656,800
Community College Capital Construction Bond Redemption Fund 1975, 1976, 1977 Appropriation .....	\$	11,423,031
Common School Building Bond Redemption Fund 1967 Appropriation .....	\$	6,890,745
Outdoor Recreation Bond Redemption Fund 1967 Appropriation .....	\$	6,292,542
Water Pollution Control Facilities Bond Redemption Fund 1967 Appropria- tion .....	\$	4,067,765
State Building and Higher Education Construction Bond Redemption Fund 1967 Appropriation .....	\$	10,349,392
State Building and Parking Bond Redemption Fund 1969 Appropria- tion .....	\$	2,448,830
Waste Disposal Facilities Bond Redemption Fund Appropriation .....	\$	57,944,960
Water Supply Facilities Bond Redemption Fund Appropriation .....	\$	11,952,815
Social and Health Services Facilities 1972 Bond Redemption Fund Appropriation .....	\$	3,705,605
Recreation Improvements Bond Redemption Fund Appropriation .....	\$	5,986,813
Community College Capital Improvement Bond Redemption Fund 1972 Appropriation .....	\$	7,499,389
State Building Authority Bond Redemption Fund Appropriation .....	\$	9,452,680
Office-Laboratory Facilities Bond Redemption Fund Appropriation .....	\$	270,900
University of Washington Hospital Bond Retirement Fund 1975 Appropria- tion .....	\$	1,163,924
Washington State University Bond Redemption Fund 1977 Appropria- tion .....	\$	559,915
Higher Education Bond Redemption Fund 1975 Appropriation .....	\$	2,165,785
State Building Bond Redemption Fund 1973 Appropriation .....	\$	3,794,144
State Building Bond Retirement Fund 1975 Appropriation .....	\$	424,780
State Higher Education Bond Redemption Fund 1973 Appropriation .....	\$	4,367,163
Social and Health Services Bond Redemption Fund 1976 Appropria- tion .....	\$	9,475,867
State Building (Expo 74) Bond Redemption Fund 1973A Appropriation .....	\$	372,820
Community College Refunding Bond Retirement Fund 1974 Appropria- tion .....	\$	9,436,996
State Higher Education Bond Redemption Fund 1974 Appropriation .....	\$	1,190,700
Total Appropriation .....	\$	749,650,859

PART VIII  
MISCELLANEOUS

**NEW SECTION.** Sec. 801. The appropriations contained in this act are maximum expenditure authorizations. Pursuant to RCW 43.88.037, moneys disbursed from the treasury on the basis of a formalized loan agreement with another governmental entity shall be treated as a loan and are to be recorded as loans receivable and not as expenditures for accounting purposes. To the extent that moneys are disbursed on a loan basis, the corresponding appropriation shall be reduced by the amount of loan moneys disbursed from the treasury during the 1987-89 biennium.

**NEW SECTION.** Sec. 802. Notwithstanding the provisions of chapter 82, Laws of 1973 1st ex. sess., the house of representatives, the senate, and the permanent statutory committees shall pay expenses quarterly to the department of general administration facilities and services revolving fund for services rendered by the department for operations, maintenance, and supplies relating to buildings, structures, and facilities utilized by the legislature for the biennium beginning July 1, 1987.

**NEW SECTION.** Sec. 803. Whenever allocations are made from the governor's emergency fund appropriation to an agency which is financed in whole or in part by other than general fund moneys, the director of financial management may direct the repayment of such allocated amount to the general fund from any balance in the fund or funds which finance the agency. No appropriation shall be necessary to effect such repayment.

**NEW SECTION.** Sec. 804. In addition to the amounts appropriated in this act for revenue for distribution, bond retirement and interest including ongoing bond registration and transfer

charges, transfers, interest on registered warrants, and certificates of indebtedness, there is also appropriated such further amounts as may be required or available for these purposes under any statutory formula or under any proper bond covenant made in accordance with law.

**NEW SECTION.** Sec. 805. In addition to such other appropriations as are made by this act, there is hereby appropriated to the state finance committee from legally available bond proceeds in the respective construction or building funds and accounts such amounts as are necessary to pay the expenses incurred in the issuance and sale of the subject bonds.

**NEW SECTION.** Sec. 806. Amounts received by an agency as reimbursements pursuant to RCW 39.34.130 shall be considered as returned loans of materials supplied or services rendered. Such amounts may be expended as a part of the original appropriation of the fund to which it belongs, without further or additional appropriation, subject to conditions and procedures prescribed by the director of financial management, which shall provide for determination of full costs, disclosure of such reimbursements in the governor's budget, maximum interagency usage of data processing equipment and services, and such restrictions as will promote more economical operations of state government without incurring continuing costs beyond those reimbursed.

**NEW SECTION.** Sec. 807. The appropriations of moneys and the designation of funds and accounts by this and other acts of the 1987 legislature shall be construed in a manner consistent with legislation enacted by the 1985 and 1987 legislatures to conform state funds and accounts with generally accepted accounting principles.

**NEW SECTION.** Sec. 808. 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. 809. 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."

MOTION

Senator Rasmussen moved that the following amendment to the amendment be adopted:

On page 2, line 29, strike "44,349,000" and insert "36,973,000  
 General Fund Appropriation (Supplemental for staff, equipment and  
 modernization if funds are available) ..... \$ 7,376,000"

Debate ensued.

Senator McDermott demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator Rasmussen to the amendment by Senators Owen and McDonald.

ROLL CALL

The Secretary called the roll and the motion by Senator Rasmussen failed and the amendment to the amendment was not adopted by the following vote: Yeas, 9; nays, 39; excused, 1.

Voting yea: Senators Anderson, Gaspard, McDermott, Moore, Patterson, Pullen, Rasmussen, Stratton, Tanner - 9.

Voting nay: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDonald, Metcalf, Nelson, Newhouse, Owen, Peterson, Rinehart, Saling, Sellar, Smitherman, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 39.

Excused: Senator McCaslin - 1.

MOTION

Senator Gaspard moved that the following amendment to the amendment be adopted:

On page 2, line 33 of the Owen/McDonald amendment, strike "1,880,000" and all the language down to and including "efficiencies," on page 3, line 22, and insert "1,680,000"

Debate ensued.

Senator McDermott demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator Gaspard to the amendment by Senators Owen and McDonald.

## ROLL CALL

The Secretary called the roll and the motion by Senator Gaspard failed and the amendment to the amendment was not adopted by the following vote: Yeas, 23; nays, 25; excused, 1.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kreidler, McDermott, Moore, Peterson, Rasmussen, Rinehart, Smitherman, Talmadge, Tanner, Vognlid, Warnke, Williams, Wojahn - 23.

Voting nay: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Johnson, Kiskaddon, Lee, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Pullen, Saling, Sellar, Stratton, von Reichbauer, West, Zimmerman - 25.

Excused: Senator McCaslin - 1.

## MOTION

Senator Gaspard moved that the following amendment to the amendment be adopted:

On page 3, line 25 of the Owen/McDonald amendment, strike "2,503,000" and all the language down to and including "recommendations," on page 4, line 1, and insert "2,403,000"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Gaspard to the amendment by Senators Owen and McDonald.

The motion by Senator Gaspard carried and the amendment to the amendment was adopted.

## MOTION

Senator Wojahn moved that the following amendments to the amendment be considered simultaneously and adopted:

On page 23, line 24, strike "118,088,000" and insert "118,588,000"

On page 23, line 27, strike "162,031,000" and insert "162,531,000"

On page 26, after line 14, insert the following:

"(h) \$500,000 of the general fund-state appropriation is provided solely for Pierce county for community mental health services to address loss of operations grants and impact of persons released from the state psychiatric hospital who do not return to the county in which they were detained."

On page 26, line 8, strike "56,457,000" and insert "56,957,000"

Debate ensued.

Senator Wojahn demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendments by Senator Wojahn to the amendment by Senators Owen and McDonald.

## ROLL CALL

The Secretary called the roll and the motion by Senator Wojahn failed and the amendments to the amendment were not adopted by the following vote: Yeas, 23; nays, 25; excused, 1.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kreidler, McDermott, Moore, Peterson, Rasmussen, Rinehart, Smitherman, Talmadge, Tanner, Vognlid, Warnke, Williams, Wojahn - 23.

Voting nay: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Johnson, Kiskaddon, Lee, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Pullen, Saling, Sellar, Stratton, von Reichbauer, West, Zimmerman - 25.

Excused: Senator McCaslin - 1.

## MOTION

Senator McDermott moved that the following amendments to the amendment be considered simultaneously and adopted:

On page 29, line 8, strike "\$326,755,000" and insert "\$329,755,000"

On page 29, line 10, strike "\$660,367,000" and insert "\$663,367,000"

Debate ensued.

Senator Talmadge demanded a roll call and the demand was sustained.

Further debate ensued.

The President declared the question before the Senate to be the roll call on adoption of the amendments by Senator McDermott to the amendment by Senators Owen and McDonald.

## ROLL CALL

The Secretary called the roll and the motion by Senator McDermott failed and the amendments to the amendment were not adopted by the following vote: Yeas, 21; nays, 27; excused, 1.

Voting yea: Senators Bauer, Bender, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kreidler, McDermott, Moore, Peterson, Rasmussen, Rinehart, Smitherman, Talmadge, Tanner, Warnke, Williams, Wojahn - 21.

Voting nay: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Bottiger, Cantu, Craswell, Deccio, Hayner, Johnson, Kiskaddon, Lee, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Pullen, Saling, Sellar, Stratton, Vognlid, von Reichbauer, West, Zimmerman - 27.

Excused: Senator McCaslin - 1.

## MOTION

Senator Fleming moved that the following amendments to the amendment be considered simultaneously and adopted:

On page 32, line 34, strike "511,589,000" and insert "520,824,000"

On page 32, line 35, strike "471,180,000" and insert "482,453,000"

On page 32, line 36, strike "982,769,000" and insert "1,003,277,000"

On page 33, line 3, after (1) strike "9,250,000" and insert "18,485,000"

On page 33, line 4, strike "11,296,000" and insert "22,569,000"

On page 33, line 6, after "needy persons," delete the remainder of the subsection.

Debate ensued.

## POINT OF INQUIRY

Senator Rasmussen: "Senator McDonald, you mentioned that this was not in the Governor's budget--no request for funds for adult dental?"

Senator McDonald: "That is correct, Senator."

Senator Rasmussen: "I was looking here in the book and couldn't find it. It's a big budget book and there is no request in it. What is the amount that will be available now--\$9,000,000?"

Senator McDonald: "Nine and a quarter million, plus there is already \$2,000,000 in the budget for community dental clinics."

Senator Rasmussen: "Plus, federal if they desire to take advantage of it of about \$12,000,000?"

Senator McDonald: "Yes, somewhere above \$10,000,000, so there will be almost \$20,000,000 in medicaid dental, plus \$2,000,000 in community clinics."

Further debate ensued.

Senator Fleming demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendments by Senator Fleming to the amendment by Senators Owen and McDonald.

## ROLL CALL

The Secretary called the roll and the motion by Senator Fleming failed and the amendments to the amendment were not adopted by the following vote: Yeas, 19; nays, 29; excused, 1.

Voting yea: Senators Bauer, Bender, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Kreidler, McDermott, Moore, Peterson, Rinehart, Smitherman, Talmadge, Vognlid, Warnke, Williams, Wojahn - 19.

Voting nay: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Bottiger, Cantu, Craswell, Deccio, Hansen, Hayner, Johnson, Kiskaddon, Lee, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Stratton, Tanner, von Reichbauer, West, Zimmerman - 29.

Excused: Senator McCaslin - 1.

## MOTION

Senator Talmadge moved that the following amendments to the amendment be considered simultaneously and adopted:

Beginning on page 17, line 35, strike all material through "manner," on page 18, line 11, and renumber the remaining subsections consecutively.

On page 30, line 22, strike "456,961,000" and insert "465,461,000"

On page 30, line 23, strike "436,034,000" and insert "444,534,000"

On page 30, line 24, strike "892,995,000" and insert "909,995,000"

On page 32, line 34, strike "511,589,000" and insert "514,769,000"

On page 32, line 35, strike "471,180,000" and insert "474,625,000"

On page 32, line 36, strike "982,769,000" and insert "989,394,000"

On page 36, line 17, strike "155,750,000" and insert "156,570,000"

On page 36, line 18, strike "171,909,000" and insert "172,455,000"

On page 36, line 20, strike "328,364,000" and insert "329,730,000"

On page 104, line 25, strike all of section 710 and renumber the remaining section consecutively

Debate ensued.

#### POINT OF INQUIRY

Senator Bottiger: "Senator McDonald, you're right, you have come way down. You know that I don't think it will work, but I do want to get something in the record because occasionally we get accused of adding FTEs to the state payroll. Can you tell me how many FTEs it will take to check all the paperwork that will be coming in?"

Senator McDonald: "Senator Bottiger, yes, to implement monthly mandatory reporting, it would cost about \$1,200,000--something like that. But, if indeed it does work, as we propose that it will, we will save about \$4,000,000 in the cost of the additional people required to take care of the increased caseloads we project will not be there, so it's a net saving."

Further debate ensued.

The President declared the question before the Senate to be adoption of the amendments by Senator Talmadge to the amendment by Senators Owen and McDonald.

The motion by Senator Talmadge failed and the amendments to the amendment were not adopted.

#### MOTION

Senator McDermott moved that the following amendment to the amendment be adopted:

On page 36, beginning on line 11, strike everything through "revenue." on line 14

Debate ensued.

#### POINT OF INQUIRY

Senator Talmadge: "Senator McDonald, I want to get something very clear. The Everett Home Port revenue figures, were they or were they not a part of the official revenue forecast of the Revenue Forecast Council?"

Senator McDonald: "Senator Talmadge, they were not a part of the official forecast of the Council. We have simply adopted what have been suggestions of the Governor and by the House of Representatives. I think we are trying to pick as few fights as possible in trying to pick the revenue that was already projected on both sides."

Further debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator McDermott to the amendment by Senators Owen and McDonald.

The motion by Senator McDermott failed and the amendment to the amendment was not adopted.

#### MOTION

Senator Williams moved that the following amendments to the amendment be considered simultaneously and adopted:

On page 38, line 6, strike "\$32,592,000" and insert "\$32,765,000"

On page 38, line 12, strike "181,438,000" and insert "181,611,000"

On page 40, after line 11, insert the following:

"(13) \$85,000 for fiscal year 1988 and \$88,000 for fiscal year 1989 general fund state appropriation are provided solely to conduct a state video telecommunication research and development project on the proposed needs, uses, structure and operation of a state-wide video telecommunications network.

The department shall submit to the legislature no later than January 1, 1989, a plan recommending the utilization of video telecommunications for state government and addressing the potential of a state-wide interactive public affairs satellite/cable television network delivering 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."

Debate ensued.

The President declared the question before the Senate to be adoption of the amendments by Senator Williams to the amendment by Senators Owen and McDonald.

The motion by Senator Williams failed and the amendments to the amendment were not adopted.

#### MOTION

Senator Tanner moved that the following amendments by Senators Tanner and Peterson to the amendment be considered simultaneously and adopted:

On page 56, line 13, strike "23,653,000" and insert "23,759,000"

On page 56, line 15, strike "24,185,000" and insert "24,291,000"

On page 56, line 27, strike "195,000" and insert "301,000"

On page 56, line 31, after "biennium," insert "\$106,000 of this \$301,000 appropriation shall be used for new or expanded programs in the distressed counties of Cowlitz, Skagit, Grays Harbor and Lewis."

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senators Tanner and Peterson to the amendment by Senators Owen and McDonald.

The motion by Senator Tanner carried and the amendments to the amendment were adopted.

#### MOTION

Senator Gaspard moved that the following amendments to the amendment be considered simultaneously and adopted:

On page 63, line 16, after "\$" strike "3,702,291,000" and insert "3,709,597,000"

On page 63, line 18, after "\$" strike "3,757,391,000" and insert "3,764,697,000"

On page 64, line 2, delete everything down to and including "three," on line 7, and insert the following:

(ii) For the 1987-88 school year, an additional three certificated staff units for each one thousand average annual full time equivalent students in kindergarten through third grade.

(iii) For the 1988-89 school year, an additional five certificated staff units for each one thousand average annual full time equivalent students in kindergarten through third grade."

On page 73, line 17, strike "49,500,000" and insert "42,194,000"

Debate ensued.

Senator Gaspard demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendments by Senator Gaspard to the amendment by Senators Owen and McDonald.

#### ROLL CALL

The Secretary called the roll and the motion by Senator Gaspard failed and the amendments to the amendment were not adopted by the following vote: Yeas, 23; nays, 25; excused, 1.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kreidler, McDermott, Moore, Peterson, Rasmussen, Rinehart, Smitherman, Talmadge, Tanner, Vognlid, Warnke, Williams, Wojahn - 23.

Voting nay: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Johnson, Kiskaddon, Lee, McDonald, Metcalf, Nelson, Newhouse, Owen, Paterson, Pullen, Sailing, Sellar, Stratton, von Reichbauer, West, Zimmerman - 25.

Excused: Senator McCaslin - 1.

#### MOTION

Senator Gaspard moved that the following amendments to the amendment be adopted:

On page 63, line 16, strike "3,702,291,000" and insert "3,706,298,000"

On page 63, line 18, strike "3,757,391,000" and insert "3,761,398,000"

On page 64, line 16, after "(c)" insert "For the 1987-89 school year"

On page 64, line 16, strike "half" and insert "tenth"

On page 64, line 18, after "instruction," insert "For the 1988-89 school year one certificated staff unit for each sixteen and two-thirds students enrolled in a vocational educational program approved by the superintendent of public instruction."

Debate ensued.

The President declared the question before the Senate to be adoption of the amendments by Senator Gaspard to the amendment by Senators Owen and McDonald.

The motion by Senator Gaspard carried and the amendments to the amendment were adopted.

## MOTION

Senator Gaspard moved that the following amendment to the amendment be adopted:

On page 73, line 17, strike "49,500,000" and insert "45,493,000"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Gaspard to the amendment by Senators Owen and McDonald.

The motion by Senator Gaspard failed and the amendment to the amendment was not adopted on a rising vote.

## MOTION

Senator Warnke moved that the following amendment to the amendment be adopted:

On page 73, line 13 of the Owen/McDonald amendment after "salaries" insert "and the statewide average classified salaries"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Warnke to the amendment by Senators Owen and McDonald.

The motion by Senator Warnke carried and the amendment to the amendment was adopted.

## MOTION

Senator Bauer moved that the following amendments to the amendment be considered simultaneously and adopted:

On page 73, line 17, strike "49,500,000" and insert "45,357,000"

On page 79, line 27, strike "54,148,000" and insert "58,291,000"

On page 79, line 34, after "of" strike "\$356" and insert "\$440"

On page 80, line 25, after "test," strike all material down to and including "unit." on line 28

Debate ensued.

The President declared the question before the Senate to be adoption of the amendments by Senator Bauer to the amendment by Senators Owen and McDonald.

The motion by Senator Bauer failed and the amendments to the amendment were not adopted.

## MOTION

Senator Gaspard moved that the following amendment to the amendment be adopted:

On page 79, line 34, after "of" strike "\$356" and insert "\$407"

## MOTION

On motion of Senator McDonald, and there being no objection, further consideration of the amendment by Senator Gaspard to the amendment by Senators Owen and McDonald was deferred.

## MOTION

Senator Gaspard moved that the following amendments to the amendment be considered simultaneously and adopted:

On page 80, beginning on line 29 of the Owen/McDonald amendment, strike all material down to and including line 21 on page 81 and insert the following:

"NEW SECTION. Sec. 511. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS  
General Fund Appropriation . . . . . \$ 9,849,000



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 \$340,000 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."

On page 73, line 17, strike "49,500,000" and insert "44,939,000"

Debate ensued.

Senator Gaspard demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendments by Senator Gaspard to the amendment by Senators Owen and McDonald.

#### ROLL CALL

The Secretary called the roll and the motion by Senator Gaspard failed and the amendments to the amendment were not adopted by the following vote: Yeas, 21; nays, 26; absent, 1; excused, 1.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kreidler, McDermott, Moore, Peterson, Rinehart, Smitherman, Taimadge, Vognlid, Warnke, Williams, Wojahn - 21.

Voting nay: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccto, Hayner, Johnson, Kiskaddon, Lee, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Stratton, von Reichbauer, West, Zimmerman - 26.

Absent: Senator Tanner - 1.

Excused: Senator McCaslin - 1.

There being no objection, the Senate resumed consideration of the amendment by Senator Gaspard on page 79, line 34, to the amendment by Senators Owen and McDonald, deferred earlier today.

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Gaspard to the amendment by Senators Owen and McDonald.

The motion by Senator Gaspard carried and the amendment to the amendment was adopted.

#### MOTION

Senator Gaspard moved that the following amendments to the amendment be considered simultaneously and adopted:

On page 86, following line 16, insert a new section to read as follows:

**\*NEW SECTION. Sec. 524. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION - LOCAL EFFORT ASSISTANCE**

General Fund Appropriation\$ 21,510,000

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."

On page 73, line 17, strike "49,500,000" and insert "27,990,000"

Debate ensued.

Senator Gaspard demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendments by Senator Gaspard to the amendment by Senators Owen and McDonald.

#### ROLL CALL

The Secretary called the roll and the motion by Senator Gaspard failed and the amendments to the amendment were not adopted by the following vote: Yeas, 22; nays, 26; excused, 1.

Voting yea: Senators Bauer, Bender, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kreidler, McDermott, Moore, Peterson, Rasmussen, Rinehart, Smitherman, Talmadge, Tanner, Vognild, Warnke, Williams, Wojahn - 22.

Voting nay: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Bottiger, Cantu, Craswell, Deccio, Hayner, Johnson, Kiskaddon, Lee, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Pullen, Saling, Sellar, Stratton, von Reichbauer, West, Zimmerman - 26.

Excused: Senator McCaslin - 1.

#### MOTION

Senator Kreidler moved that the following amendments to the amendment be considered simultaneously and adopted:

On page 92, beginning on line 30, strike all material through and including "personnel board" on page 92, line 32

On page 101, line 3, strike all of subsection 8

Debate ensued.

Senator Kreidler demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendments by Senator Kreidler to the amendment by Senators Owen and McDonald.

#### ROLL CALL

The Secretary called the roll and the motion by Senator Kreidler failed and the amendments to the amendment were not adopted by the following vote: Yeas, 18; nays, 30; excused, 1.

Voting yea: Senators Bauer, Bender, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Kreidler, McDermott, Moore, Peterson, Rinehart, Smitherman, Tanner, Warnke, Williams, Wojahn - 18.

Voting nay: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Bottiger, Cantu, Craswell, Deccio, Hansen, Hayner, Johnson, Kiskaddon, Lee, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Stratton, Talmadge, Vognild, von Reichbauer, West, Zimmerman - 30.

#### MOTION

Senator Kreidler moved that the following amendment to the amendment be adopted:

On page 92, beginning on line 13, strike all of subsection 11 and insert the following:

"(11) From the appropriation 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 2.65 percent or \$50 per month, whichever is greater, salary increase effective September 1, 1987, and an additional three percent salary increase effective September 1, 1988. These increases shall be implemented in compliance and conformity with all requirements of the comparable worth agreement ratified by 1986 Senate Concurrent Resolution No. 126.

University of Washington	\$	4,782,000
Washington State University	\$	3,192,000
Central Washington University	\$	655,000
Eastern Washington University	\$	796,000
The Evergreen State College	\$	461,000
Western Washington University	\$	889,000
State Board for Community College Education	\$	4,308,000
Higher Education Coordinating Board	\$	30,000*

Debate ensued.

## POINT OF INQUIRY

Senator Kiskaddon: "Senator Kreidler, how much additional money is in the budget because of this amendment? I didn't add them up, but it looked like there was some additional money."

Senator Kreidler: "The figure I've been given for both of those would be--I did not separate that--I assumed the body would choose to take them together since they are related to employees, classified and the higher education or those in the Department of Personnel. Nine point three million dollars for the biennium is the figure that I have been given."

Senator Kreidler demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator Kreidler to the amendment by Senators Owen and McDonald.

## ROLL CALL

The Secretary called the roll and the motion by Senator Kreidler failed and the amendment to the amendment was not adopted by the following vote: Yeas, 21; nays, 27; excused, 1.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Hansen, Kreidler, McDermott, Moore, Peterson, Rinehart, Smitherman, Talmadge, Tanner, Vognild, Warnke, Williams, Wojahn - 21.

Voting nay: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Halsan, Hayner, Johnson, Kiskaddon, Lee, McDonald, Metcalf, Nelson, Newhouse, Owen, Paterson, Pullen, Rasmussen, Saling, Sellar, Stratton, von Reichbauer, West, Zimmerman - 27.

Excused: Senator McCaslin - 1.

## MOTION

Senator Kreidler moved that the following amendments to the amendment be considered simultaneously and adopted:

On page 93, line 10, strike "536,125,000" and insert "537,267,000"

On page 93, line 20, strike "517,455,000" and insert "518,736,000"

On page 93, line 24, strike "523,155,000" and insert "523,982,000"

On page 94, line 7, strike "286,800,000" and insert "287,627,000"

On page 94, line 23, strike "81,248,000" and insert "81,461,000"

On page 94, line 30, strike "69,140,000" and insert "69,317,000"

On page 95, line 4, strike "40,028,000" and insert "40,152,000"

On page 95, line 20, strike "88,343,000" and insert "89,585,000"

Debate ensued.

## POINT OF INQUIRY

Senator Rasmussen: "Senator Kreidler, have these people received a raise this year? It seems to me that we gave some people a raise March 1--a five percent raise. Did these people get a five or a four percent, I think?"

Senator Kreidler: "Senator Rasmussen, the issue before us is the fact that the salary survey shows that they're seventeen percent behind as of July 1, 1987. We have a salary specification in here of six percent that would take place, three percent on January 1, 1988 and another three percent on January 1, 1989. It seems entirely appropriate, rather than allowing a small pittance to take place at the late date, that we at least allow it to take place at a more appropriate time."

Senator Rasmussen: "I was listening closely and I don't think you answered my question as to whether these people had already received a five percent raise this year? You don't know, Senator Kreidler?"

Senator Kreidler: "I am not sure when they received their last salary increase. What we are looking at is the fact that they are seventeen percent behind, Senator Rasmussen."

Senator Rasmussen: "I heard that."

Senator Kreidler: "That is the figure that's in front of us. I don't understand the direction your question takes. I have a feeling you know the answer to the question and you have a rhetorical reply which I won't deny you the opportunity to address us with at this time."

Senator Kreidler demanded a roll call and the demand was not sustained.

The President declared the question before the Senate to be adoption of the amendments by Senator Kreidler to the amendment by Senators Owen and McDonald.

The motion by Senator Kreidler failed and the amendments to the amendment were not adopted.

#### MOTION

On motion of Senator Rinehart, the following amendment to the amendment was adopted:

On page 94, after line 5, insert the following:

"(6) A maximum of \$75,000 shall be spent to 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."

#### MOTION

Senator Gaspard moved that the following amendments to the amendment be considered simultaneously and adopted:

On page 94, line 7, strike "286,800,000" and insert "287,303,000"

On page 94, following line 19, insert a new subsection to read as follows:

"(5) \$503,000 is provided solely to extend the Washington Higher Education Telecommunication System (WHETS) into Everett, Tacoma, Puyallup, and Olympia."

Renumber the remaining subsection consecutively.

Debate ensued.

Senator Gaspard demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendments by Senator Gaspard to the amendment by Senators Owen and McDonald.

#### ROLL CALL

The Secretary called the roll and the motion by Senator Gaspard failed and the amendments to the amendment were not adopted by the following vote: Yeas, 19; nays, 28; absent, 1; excused, 1.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Kreidler, McDermott, Moore, Peterson, Rinehart, Smitherman, Talmadge, Tanner, Warnke, Williams, Wojahn - 19.

Voting nay: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Lee, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Stratton, von Reichbauer, West, Zimmerman - 28.

Absent: Senator Vognild - 1.

Excused: Senator McCaslin - 1.

#### MOTION

Senator Wojahn moved that the following amendments to the amendment be considered simultaneously and adopted:

On page 95, line 29, after "Appropriation-State ..." strike "\$52,680,000" and insert "\$53,580,000"

On page 95, line 32, after "Appropriation ..." strike "\$56,191,000" and insert "\$57,091,000"

On page 96, after line 32, insert the following:

"(5) \$900,000 of the general fund-state appropriation is provided solely for the displaced homemaker program."

Renumber the remaining subsections consecutively

Debate ensued.

The President declared the question before the Senate to be adoption of the amendments by Senator Wojahn to the amendment by Senators Owen and McDonald.

The motion by Senator Wojahn carried and the amendments to the amendment were adopted.

#### MOTION

Senator Kreidler moved that the following amendment to the amendment be adopted:

On page 99, beginning on line 3, strike all material down to and including "patrol." on page 100, line 5, and insert the following:

**"NEW SECTION. Sec. 701. FOR THE GOVERNOR—COMPENSATION—SALARY AND INSURANCE BENEFITS**

General Fund Appropriation—State .....	\$	55,833,000
General Fund Appropriation—Federal .....	\$	12,877,000
Special Fund Salary and Insurance Contribution		
Increase Revolving Fund Appropriation .....	\$	46,072,000
Total Appropriation .....	\$	114,782,000

The appropriations in this section, or so much thereof as may be necessary, shall be expended exclusively for the purposes designated in this section and are subject to the conditions and limitations specified in this section.

(1) \$40,669,000 of the general fund—state appropriation, \$12,875,000 of the general fund—federal appropriation, and \$33,914,000 of the special fund salary and insurance contribution increase revolving fund appropriation are provided for a 2.65 percent or \$50 per month, whichever is greater, salary increase effective September 1, 1987, and an additional 2.65 percent or \$50 per month, whichever is greater, salary increase effective September 1, 1988, for all state personnel board classified and exempt employees. These increases shall be implemented in compliance and conformity with all requirements of the comparable worth agreement ratified by 1986 Senate Concurrent Resolution No. 126.

(2) \$2,000 of the general fund—federal appropriation and \$111,000 of the special fund salary and insurance revolving fund appropriation are provided for a 2.65 percent or \$50 per month, whichever is greater, salary increase effective September 1, 1987, and an additional three percent salary increase effective September 1, 1988, for higher education personnel board classified and exempt employees employed by the higher education coordinating board and the higher education personnel board. These increases shall be implemented in compliance and conformity with all requirements of the comparable worth agreement ratified by 1986 Senate Concurrent Resolution No. 126.

(3) \$164,000 of the general fund—state appropriation and \$2,747,000 of the special fund salary and insurance contribution increase revolving fund appropriation are provided for a three percent salary increase effective September 1, 1987, followed by an additional three percent salary increase effective September 1, 1988, for commissioned officers of the Washington state patrol."

Debate ensued.

Senator Kreidler demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator Kreidler to the amendment by Senators Owen and McDonald.

#### ROLL CALL

The Secretary called the roll and the motion by Senator Kreidler failed and the amendment to the amendment was not adopted by the following vote: Yeas, 21; nays, 27; excused, 1.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Kreidler, McDermott, Moore, Peterson, Pullen, Rinehart, Smitherman, Talmadge, Tanner, Vognlid, Warnke, Williams, Wojahn - 21.

Voting nay: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Lee, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Rasmussen, Saling, Sellar, Stratton, von Reichbauer, West, Zimmerman - 27.

Excused: Senator McCaslin - 1.

#### MOTION

Senator Talmadge moved that the following amendments to the amendment be considered simultaneously and adopted:

On page 102, line 32, strike "4,000,000" and insert "1,100,000"

On page 103, beginning on line 2, strike all material down to and including line 29 and insert the following:

"(1) The legislature finds that present owners of lands formerly lying beneath the navigable rivers of this state are unable to bring suit against Indian tribes which have asserted claims that the original title of the state to such lands is invalid. As a result, a cloud on title exists that has rendered it impossible for the present owners either to sell their property or to improve it.

(2)(a) The state may reinsure any company qualified to transact title insurance business in this state with respect to title insurance policies issued after the effective date of this subsection to any person, which guarantee or insure, in whole or in part, title to lands formerly lying beneath navigable rivers of this state against any claim of an ownership interest in or to such property derived from the claimant's status as a federally recognized Indian tribe or membership in such tribe. The additional reinsurance premium charged the insured shall not exceed a maximum of twenty-five percent more than the applicable rate shown on the schedule of premium rates then in effect for such title insurer.

(b) A reinsurance fund shall be created to enable the state risk manager to carry out the provisions of this subsection. Moneys appropriated in this section and all moneys received from premiums or other recoveries shall be deposited to the credit of the reinsurance fund. Payment of losses, settlements, judgments and any liabilities incurred by the state under this subsection shall be made from the fund. The risk manager may deposit, invest, or reinvest all or any part of the fund as public funds in a qualified investment depository as provided in chapter 39.50 RCW. Interest and benefits accruing from such deposits or investments shall be to the credit of the fund.

(c) In addition to the administration of this subsection, the risk manager may adopt such rules as may be needed to carry out the purposes of this subsection. The risk manager may adjust and pay losses, compromise, and settle claims, and pay the amount of any judgment rendered against the state in any suit or the amount of any settlement agreed upon in respect of any claim under insurance authorized by this subsection. The risk manager may fix, adjust, and change the amounts insured and, subject to the maximum additional rate provided in (a) of this subsection, may change the rates or premium provided for in this section.

(d) The risk manager may appoint and prescribe the duties of such number of experts in title insurance as the risk manager deems necessary under this subsection.

(e) This subsection shall take effect April 1, 1988.

(3) The department of community development is directed to conduct a study of the tax revenue and economic impact of Indian tribal claims on tidelands, former tidelands, and lands formerly lying beneath the navigable waters of this state. Such study shall assess, among other things, the direct and indirect impacts of such claims on employment in the state, investment in the state's economy, and tax revenues to the state and local governments. In addition, such study may propose alternative measures to alleviate the tax revenue and economic impacts identified above. The results of such study shall be submitted to the legislature in writing no later than December 1, 1987.

(4) The governor shall transfer \$100,000 of this appropriation to the department of community development to conduct the study required under subsection (3) of this section. The governor shall transfer the remainder of this appropriation to the department of general administration to carry out the purposes of subsection (2) of this section.

(5) This appropriation, and the reinsurance program created under this section, shall not be construed as an acknowledgment of any liability whatever on the part of the state with respect to tribal claims."

Debate ensued.

#### POINT OF INQUIRY

Senator Rasmussen: "Senator Talmadge, how much money does this provide?"

Senator Talmadge: "Senator, it provides 1.1 million dollars. \$100,000 to the Department of Community Development to do a study of the navigable river claims and also the shoreland and tideland claims that pertain to other Indian land claims. It also appropriates a million dollars for a reinsurance program, so that the state will reinsure the title of peoples' property so that people can freely transfer their property and sell it. The problem for those people in the Puyallup River Valley right now is that they can't transfer the property because nobody will insure the title, contrary to what Senator von Reichbauer displaying his knowledge of title insurance, might have said. The fact of the matter is that the people can't transfer the title of the property. This would permit them to do this by having the state reinsure the title."

Senator Rasmussen: "The title insurance that they have on their property now is good? The title insurance company will have to guarantee up to that amount that they already have?"

Senator Talmadge: "The state, in effect, would guarantee or reinsure the title insurance companies' assessment of the title to the property held by those people."

Further debate ensued.

The President declared the question before the Senate to be adoption of the amendments by Senator Talmadge to the amendment by Senators Owen and McDonald.

The motion by Senator Talmadge failed and the amendments to the amendment were not adopted on a rising vote.

#### POINT OF INQUIRY

Senator McDonald: "Senator Talmadge, I believe we had a few differences on whether this would be a good idea, the amendment that just failed, but I wanted to get on the record the fact that one of the concerns you raised about the admission

of any liability. It was certainly not my intent to admit any kind of guilt as far as the state and in what we have in the legislation here. As far as you, as chairman of the Judiciary Committee, I wonder if you would have any comments on that?"

Senator Talmadge: "Senator, one of the first things they teach in civil procedure in law school is that you never ask a question you don't know the answer to. The answer to your question is, I don't believe the state has any liability, but for your admission of liability in this budget bill. I think you have successfully admitted liability on the part of the state of Washington for Indian land claims in the Puyallup River Valley by virtue of the language found on page 103, lines 3 through 6, of this budget document that you put together. That is the reason I offered the amendment that was rejected. I don't believe you had liability until you started to work on the budget with this language of admission of liability contained therein."

STATEMENT FOR THE JOURNAL  
BY SENATOR BOTTIGER

Pursuant to Rule 34, I make this statement regarding the Indian Land Claims provisions of Engrossed Substitute House Bill No. 1221.

In my many years as a practicing attorney in our state, I have never found that the settlement of a lawsuit conferred liability on one party or another unless the settlement explicitly stated there was liability. Section 705 of Engrossed Substitute House Bill No. 1221 does not explicitly confer liability on any party involved in the land claims.

I, therefore, do not believe that the language found in Section 705 admits any liability on the part of our state government regarding the claims of the Puyallup Indian tribe. Section 705 does grant the Governor authority to settle land claims, but does not admit to any liability. I protest any implications of such liability which may have arisen during the debate regarding Section 705 of Engrossed Substitute House Bill No. 1221.

STATEMENT FOR THE JOURNAL  
BY SENATOR HAYNER  
Pursuant to Senate Rule 34

It is patently clear that the action of this body as expressed in Section 705 of Engrossed Substitute House Bill No. 1221, as amended by the Senate, can in no way effect the existence of legal responsibilities of the state of Washington which may or may not exist due to facts or relationships which exist or took place approximately one century prior to this action by this body.

Statements by members of this body to the contrary do not reflect the intent of the drafters of this language nor is it the intent of the Senate that the state of Washington assume any legal liability or responsibility for claims of any individual, organization or Indian tribe.

STATEMENT FOR THE JOURNAL  
FROM SENATOR GASPARD

Pursuant to Rule 34, I submit the following statement regarding the Indian Land Claims provisions of Engrossed Substitute House Bill No. 1221.

Honorable Marcus Gaspard  
State Senator, 25th District  
408-A Legislative Building  
Olympia, Washington 98504

RE: Appropriation to the Governor for Indian Claims

Dear Senator Gaspard:

The appropriation approved by the Senate on May 14, 1987, (Senate Amendment to ESHB 1221) provided in Section 705 a \$4,000,000 appropriation to the Governor (1) to seek to settle by June 30, 1988, claims of the Puyallup Indian Tribe to lands formerly lying beneath the Puyallup River; (2) if the claims are not settled, then after July 1, 1988, to offer to purchase such lands at a market value not influenced by the tribal claims; (3) to provide \$100,000 for the Department of Community Development to conduct a study of other Indian claims.

You indicated that during the course of the Senate debate on this measure some comments were made to the effect that this section could be construed as an admission by the state of Washington as to the validity of the claims and/or, if such claims are valid, an admission of liability by the state of Washington for the consequences of such tribal claims. I find nothing to support either conclusion in the language of this section.

What precipitates this legislative proposal is the existence of land claims being asserted by the Puyallup Tribe which have cast a pall over land titles; and this creates adverse effects on the state's economy in that area. There has been a court decision involving tribal claims to the old Puyallup riverbed. The Federal Court of Appeals, in Puyallup Indian Tribe v. Port of Tacoma, 717 F.2d 1251 (9th Cir. 1983), concluded that the tribal claims were superior to those of the Port of Tacoma with respect to approximately twelve acres of land which had previously formed part of the bed of the Puyallup River. The question was not presented and therefore the court did not rule upon the tribal claims viz. a viz. the state or other property owners.

We turn to the particular provision included in the appropriation act. First, the funds made available to settle the claims can include direct payment by the state to the Tribe. It is possible that the comments made in the Senate did not recognize that state funds can be transferred to Tribes without there being any consideration. The State Supreme Court held in Anderson v. O'Brien, 84 Wn.2d 64 (1974), that the state constitutional restrictions upon gifts in Article VIII, section 5, are not applicable to transactions between the state and Tribes. Thus, the authorization for the state to seek a settlement could include direct payments to the Tribe and is not an acknowledgement of any state legal responsibility to make such payments. Nor is this an acknowledgement by the state that the tribal claims might be held superior to other landowners of the remaining 88 acres of the old riverbed. Nor does this reflect any admission that the claims of the Tribe might be superior to those of the state for such lands, an issue not addressed in the Port of Tacoma case.

If no settlement is effectuated by June 30, 1988, then the state is under this provision to offer to purchase land from individuals and entities which now hold lands which were previously part of the riverbed of the Puyallup River. This purchase option is again not an admission of any liability by the state or acknowledgement that it is in any way responsible to current owners if Indian tribal claims are pursued and prevail.

The third element which calls for a study by the Office of Community Development is certainly no acknowledgement of any liability by the state by simply authorizing a study.

I trust the foregoing answers your inquiry. If there is a need for further information, I would be happy to supply the same.

Very truly yours,

EDWARD B. MACKIE, Chief Deputy Attorney General

#### MOTION

Senator Bauer moved that the following amendments to the amendment be considered simultaneously and adopted:

On page 73 of the Owen/McDonald amendment, line 17, strike "49,500,000" and insert "49,250,000"

On page 82 of the Owen/McDonald amendment, line 19, strike "11,784,000" and insert "12,034,000"

On page 82, of the Owen/McDonald amendment, line 21, strike "15,784,000" and insert "16,034,000"

On page 83 of the Owen/McDonald amendment, after line 17, insert a new subsection to read as follows:

"(6) \$250,000 of the general fund-state appropriation is provided solely for the implementation of the student teaching pilot project established by Engrossed Substitute Senate Bill No. 5479. If the bill is not enacted by June 30, 1987, this amount shall lapse."

Debate ensued.

Senator Bauer demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendments by Senator Bauer to the amendment by Senators Owen and McDonald.



## ROLL CALL

The Secretary called the roll and the motion by Senator Bauer failed and the amendments to the amendment were not adopted by the following vote: Yeas, 22; nays, 25; absent, 1; excused, 1.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kreidler, McDermott, Moore, Peterson, Rinehart, Smitherman, Talmadge, Tanner, Vognild, Warnke, Williams, Wojahn - 22.

Voting nay: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Johnson, Kiskaddon, Lee, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Pullen, Saling, Sellar, Stratton, von Reichbauer, West, Zimmerman - 25.

Absent: Senator Rasmussen - 1.

Excused: Senator McCaslin - 1.

## MOTION

Senator Gaspard moved that the following amendment to the amendment be adopted:

On page 84 of the Owen/McDonald amendment, line 9, strike all material through "districts," on line 25, and insert the following:

"(1) \$1,000,000 is provided solely to establish an experimental career ladder program to be conducted by a school district with more than 16,000 students. The school district shall use a locally developed career ladder model which may be modelled after existing or suggested career ladder models.

(2) \$500,000 is provided solely to establish an experimental career ladder program to be conducted by a school district with fewer than 16,000 students. The school district shall use a locally developed model which may be modelled after existing or suggested career ladder models.

(3) The superintendent of public instruction is authorized to select the participating school districts on a grant basis from applications received by interested school districts."

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Gaspard to the amendment by Senators Owen and McDonald.

The motion by Senator Gaspard failed and the amendment to the amendment was not adopted.

## MOTION

Senator Rinehart moved that the following amendments to the amendment be considered simultaneously and adopted:

On page 90, line 17, after "residents" strike all material down through and including "exempt." on line 19

On page 90, line 26, strike "19,266,000" and insert "19,766,000"

On page 90, line 27, strike "9,493,000" and insert "9,693,000"

On page 90, line 28, strike "2,159,000" and insert "2,259,000"

On page 90, line 29, strike "2,469,000" and insert "2,594,000"

On page 90, line 30, strike "1,069,000" and insert "1,089,000"

On page 90, line 31, strike "2,893,000" and insert "2,993,000"

On page 90, line 32, strike "14,283,000" and insert "15,883,000"

On page 91, beginning on line 12, strike "Part time faculty and exempt" and insert "Exempt"

On page 93, line 10, strike "536,125,000" and insert "537,725,000"

On page 93, line 20, strike "517,455,000" and insert "517,955,000"

On page 93, line 24, strike "523,155,000" and insert "523,655,000"

On page 94, line 7, strike "286,800,000" and insert "287,000,000"

On page 94, line 23, strike "81,248,000" and insert "81,328,000"

On page 94, line 30, strike "69,140,000" and insert "69,240,000"

On page 95, line 4, strike "40,028,000" and insert "40,048,000"

On page 95, line 20, strike "88,343,000" and insert "88,443,000"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendments by Senator Rinehart to the amendment by Senators Owen and McDonald.

The motion by Senator Rinehart failed and the amendments to the amendment were not adopted.

## MOTION

Senator Gaspard moved that the following amendment to the amendment be adopted:

On page 64, following line 7, insert a new subsection to read as follows:

"(iv) It is the intent of the legislature that school districts use the increased funds provided in subsection (2)(a) of this section to provide improved adult-student classroom ratios and, to the extent possible, additional certificated instructional staff."

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Gaspard to the amendment by Senators Owen and McDonald.

The motion by Senator Gaspard carried and the amendment to the amendment was adopted.

## MOTION

Senator Garrett moved that the following amendment to the amendment be adopted:

On page 73, line 13, after "1988" strike everything down to and including "funds"

## PARLIAMENTARY INQUIRY

Senator Bottiger: "Mr. President, a parliamentary inquiry. Amendment forty-six also applies to this precise section. As printed, it is in two forms and I intend to withdraw the first form which is an increase in dollar amount. If Senator Garrett's amendment is adopted, it will delete that to the extent of available funds and my amendment will substitute for the deletion. The point I make is, which amendment should come first?"

There being no objection, the amendment by Senator Garrett to the amendment was deferred.

## MOTION

Senator Bottiger moved that the following amendment to the amendment be adopted:

On page 73, line 14, after "funds." insert "For allocation purposes, the superintendent shall use the instructional staff allocation schedule defined in either HB 455 or SB 5909 if either is enacted by June 30, 1987."

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Bottiger to the amendment by Senators Owen and McDonald.

The motion by Senator Bottiger carried and the amendment to the amendment was adopted.

There being no objection, the Senate resumed consideration of the amendment by Senator Garrett on page 73, line 13, to the amendment, deferred earlier today.

The President declared the question before the Senate to be adoption of the amendment by Senator Garrett to the amendment by Senators Owen and McDonald.

The motion by Senator Garrett carried and the amendment to the amendment was adopted.

## MOTION

Senator Talmadge moved that the following amendments to the amendment be considered simultaneously and adopted:

On page 52, line 17, strike "2,910,000" and insert "4,785,000"

On page 52, line 19, strike "4,010,000" and insert "5,885,000"

Debate ensued.

Senator Talmadge demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendments by Senator Talmadge to the amendment by Senators Owen and McDonald.

## ROLL CALL

The Secretary called the roll and the motion by Senator Talmadge failed and the amendments to the amendment were not adopted by the following vote: Yeas, 21; nays, 27; excused, 1.

Voting yea: Senators Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kreidler, McDermott, Moore, Peterson, Rinehart, Smitherman, Talmadge, Tanner, Vognlid, Warnke, Williams, Wojahn - 21.

Voting nay: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Johnson, Kiskaddon, Lee, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Stratton, von Reichbauer, West, Zimmerman - 27.

Excused: Senator McCaslin - 1.

## MOTION

Senator Talmadge moved that the following amendments to the amendment be considered simultaneously and adopted:

On page 58, line 12, strike "8,000,000" and insert "5,000,000"

On page 58, line 15, strike "10,540,000" and insert "7,540,000"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendments by Senator Talmadge to the amendment by Senators Owen and McDonald.

The motion by Senator Talmadge failed and the amendments to the amendment were not adopted.

## MOTION

Senator Talmadge moved that the following amendment to the amendment be adopted:

On page 58, after line 22, strike all of subsection (2) and renumber the remaining subsection accordingly

Debate ensued.

Senator Talmadge demanded a roll call and the demand was not sustained.

The President declared the question before the Senate to be adoption of the amendment by Senator Talmadge to the amendment by Senators Owen and McDonald.

The motion by Senator Talmadge failed and the amendment to the amendment was not adopted.

## MOTION

Senator Talmadge moved that the following amendment to the amendment be adopted:

On page 59, line 20, after "5901" strike "is" and insert "and Senate Concurrent Resolution No. 8412 are"

Debate ensued.

Senator Rasmussen demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator Talmadge to the amendment by Senators Owen and McDonald.

## ROLL CALL

The Secretary called the roll and the motion by Senator Talmadge failed and the amendment to the amendment was not adopted by the following vote: Yeas, 14; nays, 34; excused, 1.

Voting yea: Senators Bauer, Bottiger, Conner, Gaspard, Halsan, Hansen, McDermott, Moore, Rasmussen, Rinehart, Talmadge, Vognlid, Warnke, Wojahn - 14.

Voting nay: Senators Anderson, Bailey, Barr, Bender, Benitz, Bluechel, Cantu, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Saling, Sellar, Smitherman, Stratton, Tanner, von Reichbauer, West, Williams, Zimmerman - 34.

Excused: Senator McCaslin - 1.

## MOTION

Senator Fleming moved that the following amendments to the amendment be considered simultaneously and adopted:

On page 43, line 9, strike "5,700,000" and insert "5,950,000"

On page 43, line 18, strike "290,151,000" and insert "290,401,000"

On page 46, after line 13, insert the following:

"(6) \$250,000 of the general fund state appropriation is provided solely for contracting with community nonprofit groups for comprehensive job-generation community development projects with substantial private sector financial and planning support. None of these funds may be spent by the employment security department for administration."

Debate ensued.

Senator McDonald demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendments by Senator Fleming to the amendment by Senators Owen and McDonald.

## ROLL CALL

The Secretary called the roll and the motion by Senator Fleming failed and the amendments to the amendment were not adopted by the following vote: Yeas, 23; nays, 25; excused, 1.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kreidler, McDermott, Moore, Peterson, Rasmussen, Rinehart, Smitherman, Talmadge, Tanner, Vognild, Warnke, Williams, Wojahn - 23.

Voting nay: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Johnson, Kiskaddon, Loe, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Pullen, Saling, Sellar, Stratton, von Reichbauer, West, Zimmerman - 25.

Excused: Senator McCaslin - 1.

## MOTION

Senator Williams moved that the following amendments by Senators Williams and Benitz to the amendment be considered simultaneously and adopted:

On page 33, line 29, strike "58,177,000" and insert "58,757,000"

On page 33, line 32, strike "139,753,000" and insert "140,333,000"

On page 35, after line 10, insert the following:

"(10) \$580,000 of the general fund-state appropriation is provided solely to fund the environmental monitoring and radioactive waste management activities of the office of radiation protection not otherwise funded through fees or federal funding."

Debate ensued.

The President declared the question before the Senate to be adoption of the amendments by Senators Williams and Benitz to the amendment by Senators Owen and McDonald.

The motion by Senator Williams carried and the amendments to the amendment were adopted.

## MOTION

Senator Gaspard moved that the following amendments to the amendment be considered simultaneously and adopted:

On page 38, line 6, strike "32,592,000" and insert "34,192,000"

On page 40, after line 1, insert:

"(10) \$1,600,000 of the general fund - state appropriation is provided solely for grants to public or private nonprofit organizations for scholarships or support services, including but not limited to child care or transportation, for parents of children in headstart or early childhood education and assistance programs who are enrolled in adult literacy classes or tutoring programs under Substitute Senate Bill No. 5476 or Engrossed Second Substitute House Bill No. 456. If neither bill is enacted by June 30, 1987, the amount provided in this subsection shall lapse."

Renumber the remaining subsections consecutively.

Debate ensued.

Senator Gaspard demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendments by Senator Gaspard to the amendment by Senators Owen and McDonald.

## ROLL CALL

The Secretary called the roll and the motion by Senator Gaspard failed and the amendments to the amendment were not adopted by the following vote: Yeas, 20; nays, 27; absent, 1; excused, 1.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Kreidler, McDermott, Moore, Peterson, Rinehart, Smitherman, Talmadge, Tanner, Vognild, Warnke, Williams, Wojahn - 20.

Voting nay: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hansen, Hayner, Johnson, Kiskaddon, Lee, McDonald, Metcalf, Nelson, Newhouse, Owen, Paterson, Pullen, Rasmussen, Saling, Sellar, Stratton, von Reichbauer, West, Zimmerman - 27.

Absent: Senator Halsan - 1.

Excused: Senator McCaslin - 1.

## MOTION

Senator Barr moved that the following amendment to the amendment be adopted:

On page 54, following line 3, insert:

"The appropriations in this section are subject to the following conditions and limitations:

The department shall in carrying out its responsibilities under the timber, fish and wildlife agreement, accomplish the following:

(a) Perform the necessary data collection, research and monitoring programs which examine the differences, and make provisions for those differences, between the eastern and western Washington timber, fish, and wildlife agreement; and

(b) Conduct a study on the department's cooperative road closure program and land-owner education program in eastern Washington."

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Barr to the amendment by Senators Owen and McDonald.

The motion by Senator Barr carried and the amendment to the amendment was adopted.

## MOTION

On motion of Senator Tanner, the following amendment to the amendment was adopted:

On page 58, after line 6, insert the following:

"(8) The department shall contract with associate development organizations for maintaining a readiness to assist the department in recruiting new firms, for assisting local businesses, for maintaining industrial property, labor force, power and other information, and for having available personnel with adequate knowledge to assist the state. Said readiness shall be audited by the department at least once each year."

## MOTION

Senator Gaspard moved that the following amendment to the amendment be adopted:

On page 68, line 27, strike everything down to and including the period on page 73, line 7, and insert the following

"NEW SECTION. Sec. 504. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—SCHOOL DISTRICT EMPLOYEE COMPENSATION

General Fund Appropriation . . . . . \$ 144,032,000

For the purposes of section 503 of this act and this section, the following conditions and limitations apply:

(1)(a) "LEAP Document 10A" means the computer tabulation of 1986-87 derived base salaries for basic education certificated staff and 1986-87 average salaries for basic education classified staff, as developed by the legislative evaluation and accountability program committee on April 17, 1987, at 14:57 hours.

(b) "LEAP Document 1" means the computer tabulation of staff mix factors characterizing certificated staff by educational experience and years of service, as developed by the legislative evaluation and accountability program committee on April 20, 1981, at 11:35 hours.

(c) "Incremental fringe benefits" means 18.77 percent in the 1987-88 school year and 18.89 percent in the 1988-89 school year for certificated staff, and 13.47 percent in the 1987-88 school year and 13.59 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 this section.

(2) For the purposes of RCW 28A.58.095 and section 503(10) of this act, the following conditions and limitations apply:

(a) Effective September 1, 1987, each school district is authorized to grant salary increases that increase the district's basic education certificated derived base salary to no more than the sum of: (i) The district's certificated derived base salary as shown on LEAP Document 10A; and (ii) 3 percent of the state-wide average certificated derived base salary shown on LEAP Document 10A.

(b) Effective September 1, 1988, each school district is authorized to grant salary increases that increase the district's basic education certificated derived base salary to no more than the sum of: (i) The district's maximum certificated derived base salary for the 1987-88 school year under (a) of this subsection; and (ii) 3.09 percent of the state-wide average certificated derived base salary as shown on LEAP Document 10A.

(c) Effective September 1, 1987, each school district is authorized to grant salary increases that increase the district's basic education average classified salary to no more than the sum of: (i) The district's average classified salary as shown on LEAP Document 10A; and (ii) 3 percent of the state-wide average classified salary shown on LEAP Document 10A.

(d) Effective September 1, 1988, each school district is authorized to grant salary increases that increase the district's basic education average classified salary to no more than the sum of: (i) The district's maximum average classified salary for the 1987-88 school year under (c) of this subsection; and (ii) 3.09 percent of the state-wide average classified salary as shown on LEAP Document 10A.

(e) The maximum percentage salary increase in school district programs other than the basic education program shall not exceed the percentage increase authorized pursuant to this section for the district's basic education program.

(f) (i) The maximum percentage increase in each district's certificated administrative derived base salary shall not exceed the percentage increase authorized pursuant to this section in the district's basic education certificated derived base salary.

(ii) The maximum percentage increase in each district's classified administrative average salary shall not exceed the percentage increase authorized pursuant to this section in the district's basic education average classified salary.

(g) Insurance benefits are limited by this act to an average monthly rate of \$167 per full time equivalent certificated employee and to an average monthly rate of \$167 per classified unit. Classified units shall be calculated on the basis of 1,440 hours of work per year, with no individual employee counted for more than one unit. In accordance with RCW 28A.58.095, this subsection relates to insurance benefit increases granted in either the 1987-88 or 1988-89 school year which would raise the rate per full time equivalent unit to more than \$167 per month.

(h) Increments granted by school districts to certificated staff shall constitute salary increase in the year in which the increments are given by a district to the extent only that the aggregate of increments granted by a district exceeds the aggregate of increments pursuant to LEAP Document 1.

(i) School districts may elect an alternate measure of salary compliance for classified staff by comparing average salaries for the current school year to the imputed classified average salary that was or would have been paid the same staff in the same positions during the prior school year if the districts electing this alternative certify by board resolution that any amount in excess of state-funded salary levels in each year thereafter is solely a district obligation created through local district personnel policies and salary schedule placements, and that the effect shall neither incur nor imply any current or future funding obligation by the state.

(j) For the purposes of this subsection and implementation of RCW 28A.58.095, "basic education" means those school district programs defined in the accounting manual for public schools in the state of Washington as 01 - Basic Education, 31 - Vocational Secondary, 94 - General Instructional Support, and 97 - General Support Services;

(3)(a) For the purposes of the appropriation in section 503 of this act, each district's average basic education certificated salary allocation shall be the district's certificated derived base salary as shown on LEAP Document 10A, multiplied by the district's prior year staff mix factor for basic education certificated staff calculated using LEAP Document 1.

(b) For the purposes of the appropriation in section 503 of this act, each district's average basic education classified salary allocation shall be the amount shown on LEAP Document 10A.

(4)(a) \$69,064,000 is provided to increase funding for each basic education certificated staff unit allocated for the 1987-88 and 1988-89 school years under section 503(2) of this act by an amount equal to the district's basic education certificated staff mix factor for the prior school year, determined using LEAP Document 1, multiplied by 3 percent of the state-wide average certificated derived base salary shown on LEAP Document 10A, and for incremental fringe benefits.

(b) \$32,008,000 is provided to increase funding for each basic education certificated staff unit allocated under section 503(2) of this act for the 1988-89 school year by an amount equal to the district's basic education certificated staff mix factor for the prior school year, determined using LEAP Document 1, multiplied by 3.09 percent of the state-wide average certificated derived base salary shown on LEAP Document 10A, and for incremental fringe benefits.

(c) \$13,851,000 is provided to increase funding for each basic education classified staff unit allocated for the 1987-88 and 1988-89 school years under section 503(3) of this act by 3 percent of the state-wide average classified salary shown on LEAP Document 10A, and for incremental fringe benefits.

(d) \$6,385,000 is provided to increase funding for each basic education classified staff unit allocated under section 503(3) of this act for the 1988-89 school year by 3.09 percent of the state-wide average classified salary shown on LEAP Document 10A, and for incremental fringe benefits.

(5) A maximum of \$8,472,000 is provided to implement salary increases 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 are for 3 percent salary increases effective September 1, 1987, and September 1, 1988, including 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 \$11.71 per pupil for the 1987-88 school year and by \$23.80 per pupil for the 1988-89 school year.

(b) Learning assistance: The rates specified in section 508 of this act shall be increased by \$9.15 per pupil for the 1987-88 school year and by \$18.60 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 \$6.94 per pupil for the 1987-88 school year and by \$14.09 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 \$61.24 per full time equivalent student for the 1987-88 school year, and by \$124.45 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 \$0.47 per weighted pupil-mile for the 1987-88 school year, and by \$0.95 per weighted pupil-mile for the 1988-89 school year.

(6) A maximum of \$14,252,000 is provided for salary increases and incremental fringe benefits for state-supported certificated and classified staff allocations in the handicapped program and state-supported staff in institutional education programs and educational service districts. Such moneys shall be distributed to implement a maximum salary increase of 3 percent effective September 1, 1987, and an additional 3 percent salary increase effective September 1, 1988.

(7)(a) As a condition to the allocation of funds provided by this section for the 1987-88 school year, the superintendent of public instruction shall require school districts to ensure that the district has established for that school year a minimum full time equivalent salary for all certificated staff of \$17,018, excluding supplemental contracts.

(b) As a condition to the allocation of funds provided by this section for the 1988-89 school year, the superintendent of public instruction shall require school districts to ensure that the district has established for that school year a minimum full time equivalent salary for all certificated staff of \$17,691, excluding supplemental contracts."

Debate ensued.

Senator Gaspard demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator Gaspard to the amendment by Senators Owen and McDonald.

#### ROLL CALL

The Secretary called the roll and the motion by Senator Gaspard failed and the amendment to the amendment was not adopted by the following vote: Yeas, 20; nays, 26; absent, 2; excused, 1.

Voting yea: Senators Bauer, Bender, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Hansen, Kreidler, McDermott, Moore, Peterson, Rinehart, Smitherman, Talmadge, Tanner, Vognid, Warnke, Williams, Wojahn - 20.

Voting nay: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Johnson, Kiskaddon, Lee, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Stratton, von Reichbauer, West, Zimmerman - 26.

Absent: Senators Bottiger, Halsan - 2.

Excused: Senator McCaslin - 1.

The President declared the question before the Senate to be of the amendment by Senators Owen and McDonald, as amended.

The motion by Senator Owen carried and the amendment, as amended, was adopted.

## MOTIONS

On motion of Senator Owen, the following title amendment was adopted:

On page 1, beginning on line 1 of the title, after "budget;" strike the remainder of the title and insert "making appropriations and authorizing expenditures for the operations of state agencies for the fiscal biennium beginning July 1, 1987, and ending June 30, 1989; providing effective dates; and declaring an emergency."

On motion of Senator Bender, Senator Halsan was excused.

## MOTION

On motion of Senator Owen, the rules were suspended, Engrossed Substitute House Bill No. 1221, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 1221, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 1221, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 28; nays, 19; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hansen, Hayner, Johnson, Kiskaddon, Lee, McDonald, Metcalf, Nelson, Newhouse, Owen, Paterson, Pullen, Rasmussen, Saling, Sellar, Stratton, Tanner, von Reichbauer, West, Zimmerman - 28.

Voting nay: Senators Bauer, Bender, Boltiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Kreidler, McDermott, Moore, Peterson, Rinehart, Smitherman, Talmadge, Vognild, Warnke, Williams, Wojahn - 19.

Excused: Senators Halsan, McCaslin - 2.

ENGROSSED SUBSTITUTE HOUSE NO. 1221, 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.

## MOTION

At 7:49 p.m., on motion of Senator Vognild, the Senate adjourned until 10:30 a.m., Friday, May 15, 1987.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.



## NINETEENTH DAY

---

### MORNING SESSION

---

Senate Chamber, Olympia, Friday, May 15, 1987

The Senate was called to order at 10:30 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Benitz, Moore, Nelson, Owen, Rinehart and Talmadge. There being no objection, the President excused Senators Benitz, Moore, Nelson, Owen, Rinehart and Talmadge.

The Sergeant at Arms Color Guard, consisting of Pages Melissa Ramming and Derek Miller, presented the Colors. Reverend Hilton Jarvis, pastor of the Lacey Baptist Chapel, offered the prayer.

#### MOTION

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

#### MESSAGE FROM THE GOVERNOR

May 14, 1987

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on May 14, 1987, Governor Gardner approved the following Senate Bills entitled:

Senate Bill No. 5159

Relating to the Puget Island-Westport ferry.

Substitute Senate Bill No. 5249

Relating to court filing fees.

Substitute Senate Bill No. 5326

Relating to employment and training of persons of disability.

Substitute Senate Bill No. 5512

Relating to the accrual of service under the public employees' retirement system.

Substitute Senate Bill No. 5825

Relating to horizontal property regimes.

Sincerely,

TERRY SEBRING, Legal Counsel to the Governor

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

#### MOTION

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

#### SENATE RESOLUTION 1987-8641

by Senator Zimmerman

WHEREAS, The Senior Class of Bickelton High School represented "small town" America on the Johnny Carson Show on April 1, 1987 in an exemplary fashion; and

WHEREAS, These young people were poised and confident and able to respond to questions about their own activities as well as their community; and

WHEREAS, These young people demonstrated outstanding long-term goals for their future; and

WHEREAS, The host Johnny Carson was visibly impressed with the abilities of these young people and their representation of "small town" America; and

WHEREAS, Viewers across the nation were given an opportunity to observe and enjoy several outstanding young people for the state of Washington;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate do commend and congratulate the Senior Class of Bickelton High School for their outstanding representation of our state and that they receive copies of this resolution with our very best wishes for success in their future endeavors.

MOTION

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

SENATE RESOLUTION 1987-8645

by Senators Gaspard, Rinehart, Patterson and Saling

WHEREAS, Part-time students pay between fifty percent and one-hundred fourteen percent more for their educations than do full-time students; and

WHEREAS, Part-time students are frequently forced to take fewer than twelve credit hours because their financial need requires them to work while attending school; and

WHEREAS, Part-time students include disproportionate numbers of single heads of household and other economically disadvantaged groups who cannot afford to attend school full time; and

WHEREAS, Part-time students are often ineligible to receive financial aid; and

WHEREAS, Public colleges and universities define part-time students as those enrolled for fewer than twelve credit hours; and

WHEREAS, Public colleges and universities charge full-time tuition rates to students who take as few as seven credit hours; and

WHEREAS, The disparity between tuition rates paid by full-time and part-time students is both inequitable and unfair; and

WHEREAS, Support for rectifying this inequitable fee structure has been demonstrated by the Washington student lobby, the joint legislative advisory committee on higher education governance tuition, fees and financial aid, and the former council for postsecondary education; and

WHEREAS, The Legislature recognizes the autonomy and authority of the regents and trustees of the public colleges and universities to modify the definition of full-time tuition;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, That the trustees and regents of the public colleges and universities be requested to exert their statutory authority to redefine more equitably and fairly full-time tuition rates as those applying only to students enrolled in between twelve and eighteen credit hours; and

BE IT FURTHER RESOLVED, That the redefinition of full-time tuition rates be effective for the fall term of 1988; and

BE IT FURTHER RESOLVED, That notification of the Legislature's request be delivered to regents, trustees, and presidents of all public colleges and universities by July 1, 1987.

MOTION

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

SENATE RESOLUTION 1987-8649

by Senators Conner, Vogtild and Pullen

WHEREAS, Twenty-two years ago, on September 15, 1964, our first American airman was shot down over North Vietnam and taken prisoner; and

WHEREAS, Fourteen years ago, on January 27, 1973, the United States signed a peace accord with North Vietnam but not a peace treaty with the Laotian communists; and

WHEREAS, There are still two-thousand four-hundred and twenty-six soldiers, sailors, marines, and airmen, one Coast Guard member, and forty-two civilians still unaccounted for from the Vietnam war; and

WHEREAS, The missing include one-thousand seven-hundred and eighty-six in North or South Vietnam, five-hundred and fifty-two in Laos, eighty-two in Cambodia, and six in China; and

WHEREAS, Sixty-one of the missing servicemen are from the state of Washington; and

WHEREAS, The Pathet Lao has acknowledged holding large numbers of POW's; and

WHEREAS, The prisoner of war-missing in action (POW-MIA) movement believes there are some one-hundred and fifty Americans still in captivity; and

WHEREAS, The issue of servicemen and women missing in Indochina is one that all veterans agree must be resolved; and

WHEREAS, The families of POW's and MIA's should not have to wait any longer for action by the United States;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington, That the members of the Senate recognize and commend these brave and courageous Americans who served the United States of America during the Vietnam conflict; and

BE IT FURTHER RESOLVED, That the members of the Senate believe that the United States government has an important responsibility in resolving the issue of servicemen and women missing in Indochina; and

BE IT FURTHER RESOLVED, That the members of the Senate hope the United States government will fulfill their responsibility and further negotiate the return of these American POW's and MIA's in the most expeditious manner possible.

Senators Conner and Pullen spoke to the resolution.

#### MOTION

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

#### SENATE RESOLUTION 1987-8651

by Senators Bottiger, Rasmussen and Johnson

WHEREAS, The Senate of the state of Washington seeks to acknowledge and commend meritorious service and superior performance on the part of law enforcement officers; and

WHEREAS, The Pierce County Sheriff's Department has recognized the following officers and employees for their excellent work; and

WHEREAS, Sergeant Nik Dunbar, and Deputies Larry Bauer, Bill Burris, Tom Lind and John Solheim brought the "Parkland Rapist" to justice; and

WHEREAS, Sergeant Fred Palmer made significant contributions to the Department's "inservice" training programs; and

WHEREAS, Deputy Marsha Barnhill successfully carried out a difficult undercover assignment involving a physician suspected of drug abuse; and

WHEREAS, Identification Officer Van Victor's investigative work was responsible for the successful conclusion of many administrative and criminal cases; and

WHEREAS, Deputy Steve Strehle's quick thinking and courageous action saved a great deal of property from being consumed in a fire at the Day Island Marina; and

WHEREAS, Deputy Travis Hoffman's sharp eye and quick response saved the life of a small child in a dangerous traffic situation; and

WHEREAS, Reserve Deputy Kent Chamberlin's hard work and dedication led the Department to name him "Reserve Deputy of the Year"; and

WHEREAS, Sharan Wittmier's superior job performance led to her being named "Employee of the Year"; and

WHEREAS, Deputy Tim Kobel's excellent record and conspicuous contributions to the department led to him being named "Officer of the Year";

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate, on behalf of the people of the state, expresses its profound gratitude and full appreciation to the individuals named above for their contribution in making Pierce County a better, safer place to live; and

BE IT FURTHER RESOLVED, That copies of this resolution be forwarded to the individuals named above and to the Pierce County Sheriff's Department.

#### MOTION

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

## SENATE RESOLUTION 1987-8659

by Senators Bailey and Vognil

WHEREAS, Stimulation and enjoyable academic endeavors foster an interest in learning which extends beyond the schoolroom and continues throughout students' lives; and

WHEREAS, The Scott Paper Company has demonstrated a strong commitment to academic achievement and community spirit by sponsoring the Pacific Northwest Hi-Q academic quiz competition for its twelfth season; and

WHEREAS, The affiliation of Everett Community College in producing the 1987 Hi-Q program and the participation of Everett Community College history and political science instructor, David A. McCourt, as Hi-Q quizmaster, are commendable examples of the new spirit of cooperation between business and public institutions for the promotion of educational excellence; and

WHEREAS, The Hi-Q program provides a public forum for students from high schools throughout northwest Washington to develop and display their academic achievements, initiative, and good sportsmanship; and

WHEREAS, The commitment to academic excellence demonstrated by the competition's participants, their advisors, their sponsors, and their families, as well as the faculty and staff of each of their high schools should be highly commended; and

WHEREAS, The following students and faculty advisors make up the winning teams in the 1987 Hi-Q competition: From Mariner High School, Clark Grubb, Megan Knapp, Pat Lasswell, Paul Peterson, Dan Runyan, Randi Wells, Suzy Yoon, Advisors John Orr and Ann Kashiwa; Edmonds High School team members, Bruce Barker, John Hermann, Michael Olson, Thomas Peterson, Aaron Walls, Angela Wolfe, Kathy Yang and Advisor Rod McLeod; and from Marysville-Pilchuck High School team members Sandra Brown, John Gailey, Jr., Kelly McGourty, Michael Roberts, Peter Sawyer, Michael Travis Stier, Advisors Jim Niemi and Dave Carpentier;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington acknowledges the superior academic achievements of these students, and extends its warmest congratulations to them and to their faculty advisors for their success in the 1987 Hi-Q competition; and

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted by the Secretary of the Senate to each team member and their advisors.

## MOTION

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

## SENATE RESOLUTION 1987-8664

by Senator Conner

WHEREAS, Gillnet fishing during daylight hours greatly increases safety for the sockeye fishing industry in the Fraser River Panel area; and

WHEREAS, Recent technological changes and revisions in the state rules regulating commercial fishing regarding the use of monofilament gillnets make daylight fishing effective; and

WHEREAS, Towboat operators and pilots of commercial ships find it difficult and hazardous to navigate through waters used by gillnet fishermen during hours of darkness; and

WHEREAS, Daylight gillnet fishing will help fish processors more fully utilize their facilities and will enable them to sell better quality fish to the public;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington, That the Department of Fisheries be requested to work with the Fraser River Area Sockeye Panel to develop rules permitting daylight fishing by the gillnet fishing industry; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Department of Fisheries and to the Fraser River Area Sockeye Panel.

## MOTION

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

## SENATE RESOLUTION 1987-8666

by Senators West, Stratton, Warnke, McCaslin, Saling, Patterson, Bauer, Bailey, Nelson and Anderson

WHEREAS, Thousands of employees of common carriers travel across state lines in the regular course of their daily employment; and

WHEREAS, These employees who are not residents of these states impose no tax burden on the states through which they travel; and

WHEREAS, The employers of these nonresidents are common carriers which pay a substantial share of state and local taxes in the states in which they operate, such as fuel taxes and registration fees, and various other excise and property taxes, to cover the cost of governmental services from which they benefit while present in the state; and

WHEREAS, It is patently inequitable for one state to tax another state's residents for purported benefits received from governmental services when the nonresidents taxed are neither living, nor working to any substantial degree, in the taxing state; and

WHEREAS, Current federal law allows withholding of state income tax by common carriers from their employees' wages if more than fifty percent of the distance traveled by the employee is within a state other than the employee's state of residence; and

WHEREAS, In imposing state income taxes, these states are taxing nonresidents who as such have no vote or voice in the imposition of the tax or its rate, and receive no benefit from the expenditure of their tax money; and

WHEREAS, The fact that current federal law allows this taxation without representation does not make the collection of such taxes from these nonresident employees equitable; and

WHEREAS, Taxing nonresidents while traveling through another state raises questions regarding the exclusive power of Congress to regulate interstate commerce and the ensuing right to travel freely as expressed in Article I, section 8 of the Constitution of the United States;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington recognizes the impropriety of the State of Idaho taxing nonresident employees of common carriers and believes that the United States Congress should change federal law to ensure more fair treatment of employees of common carriers who cross state lines; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted to the Director of the Internal Revenue Service, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress.

## MOTION

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

## SENATE RESOLUTION 1987-8668

by Senators Bottiger and Johnson

WHEREAS, Alaska's Arctic National Wildlife Refuge includes more than nineteen million acres of land, amounting to approximately five percent of the entire state landmass; and

WHEREAS, The ANWR Coastal Plain is approximately eight percent of the refuge and is considered to be highly promising for the discovery of large quantities of oil and gas; and

WHEREAS, Congress has reserved the discretion to decide if the ANWR Coastal Plain will be opened to further exploration, development and production; and

WHEREAS, National energy security depends on the development of domestic oil and gas resources to replace depleted U. S. reserves; and

WHEREAS, The United States must prepare to develop domestic petroleum resources if it is to prevent overwhelming dependence on foreign petroleum sources in the twenty-first century; and

WHEREAS, The nation will derive substantial revenues, including portions of bonuses, royalties and rents from oil and gas development; and

WHEREAS, The petroleum industry has consistently demonstrated its ability to operate in conditions similar to those found on the ANWR Coastal Plain in a safe, responsible manner without significant adverse environmental impacts; and

WHEREAS, Opening the ANWR Coastal Plain to further exploration, development and production will greatly enhance the economic development of the state of Washington by generating increased employment and business opportunities;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington urges that the Congress of the United States open the ANWR Coastal Plain to environmentally responsible oil and gas exploration, development and production; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Honorable Ronald Reagan, President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and each member of Congress for the state of Washington.

#### MOTION

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

#### SENATE RESOLUTION 1987-8669

by Senators Gaspard, Vognild and Johnson

WHEREAS, "Education Week" is an annual, five-day program conducted on the campus of Central Washington University; and

WHEREAS, "Education Week" is designed to interest "the best and the brightest" of Washington's high school sophomores and juniors in teacher education and the teaching profession; and

WHEREAS, The inaugural "Education Week" was held in August, 1986, and one-hundred and fifty students enthusiastically participated and received "scholarships" to attend; and

WHEREAS, "Education Week - 1987", expects to attract upward of three-hundred students ; and

WHEREAS, "Education Week" promises to become a valuable tool in recruiting outstanding students to teachers preparation programs in Washington State, and also promises to be valuable in attracting minority students into teacher education; and

WHEREAS, "Education Week" is jointly sponsored by Central Washington University (CWU), the Office of the Superintendent of Public Instruction (OSPI), the Washington Education Association (WEA), the Association of Washington School Principals (AWSP), the Washington Association of School Administrators (WASA), the Washington State School Directors' Association (WSSDA), the Washington State Parent and Teacher Association (PTA), and the Association of Washington Business (AWB);

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington, That the second annual "Education Week", June 22-26, 1987, be designated "Education Week - 1987"; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate immediately transmit copies of this resolution to every high school in the state of Washington and to Central Washington University, OSPI, WEA, AWSP, WASA, WSSDA, the state PTA, and AWB.

#### MOTION

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

## SENATE RESOLUTION 1987-8670

by Senators Peterson and Bender

WHEREAS, A strong balanced transportation system is vital to citizens of the state of Washington and its economic growth and social well-being; and

WHEREAS, Recent annual economic benefits of a good transportation system have been approximately \$26 billion in private sector income, support of a \$1.4 billion tourist industry, a contribution of \$35 million to the general fund from taxes on highway construction, and support of one out of ten jobs; and

WHEREAS, In the last year, approximately 98 million passengers used public transit, 17 million passengers and 6 million vehicles used ferries, 13 million passengers used airlines and railroads, and 36 billion miles were traveled on the state's roadways; and

WHEREAS, The transportation system provides for the annual movement of over 100 million tons of processed commodities interstate and another 90 million tons intrastate, over 100 million tons by trucks, 50 million tons by rail, 30 million tons by water, and 5 million tons by air; and

WHEREAS, There exist in Washington 60,000 miles of public roadway, 3,600 miles of railroad, 8 air carrier airports and 121 publicly owned general aviation airports, the nation's largest marine transportation system operating cross-Sound, several major ports and terminals on Puget Sound and on the state's navigable waterways, and 19 public transit systems as well as many small systems providing commuter vanpools and transportation for the handicapped, all of which provide for the transportation of goods, services, and people; and

WHEREAS, The future of transportation in the state, region, and the nation depends upon the ability of the private sector and government to work in concert with one another to provide an efficient, effective, integrated transportation system; and

WHEREAS, It is critical that the funding and management of the future transportation system be considered now so that future expenditures for capacity improvements, preservation, maintenance, and operations may be approached in a coordinated and prudent manner;

NOW, THEREFORE, BE IT RESOLVED, By the Senate, That the Washington State Legislature, through the Legislative Transportation Committee, sponsor a Northwest Regional Symposium in the 1987-1989 biennium on "Transportation In The Future"; and

BE IT FURTHER RESOLVED, That the Washington State Legislature encourage participation in the development and presentation of the Symposium by the Office of the Governor, Department of Transportation, Department of Community Development, Department of Trade and Economic Development, Washington State Patrol, Universities, Washington State Transportation Commission, Washington State Transit Association, Evergreen State Specialized Transportation Association, Women's Transportation Seminar, Washington State Association of Counties, Association of Washington Cities, Washington Public Ports Association, and other public and private sector organizations.

## MOTION

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

## SENATE RESOLUTION 1987-8671

by Senators Peterson and Conner

WHEREAS, The shake and shingle industry is critical to the economy of many rural communities in the state of Washington; and

WHEREAS, The industry has suffered significant adverse impacts in the past due to the downturn in the forest products industry and unfair competition from foreign imports; and

WHEREAS, The federal government has recognized these facts and has provided the industry with relief from unfair foreign competition and as a result the industry has a chance to survive; and

WHEREAS, The major remaining impediment to the healthy survival of the industry is equitable industrial insurance rates accurately reflecting the size of the rate classification and the risk involved; and

WHEREAS, The industry has modernized equipment and has made significant advances in worker safety;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Department of Labor and Industries review the industrial insurance risk classifications and rates of the shake and shingle industry and submit a report to the appropriate standing committees by December 1, 1987, with recommendations on how to reduce the industrial insurance rates by methods in addition to modernizing equipment and improvements in worker safety.

#### MOTION

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

#### SENATE RESOLUTION 1987-8674

by Senators Metcalf, Owen, Craswell and Barr

WHEREAS, Washington, the Evergreen State, has a rich natural resource environment of the many wildlife species found in this state; and

WHEREAS, All citizens may enjoy the opportunity to see and appreciate wildlife in natural habitats, in parks, and in zoos; and

WHEREAS, Many organizations carry out important projects and raise funds to conduct wildlife enhancement programs which benefit all the citizens of this state, as well as the wildlife; and

WHEREAS, Many of those efforts are largely unrecognized by the general public and by other wildlife-supporting organizations; and

WHEREAS, Understanding, cooperation, and good will among these groups would be enhanced by better communication and by recognition of the specific individuals and groups involved; and

WHEREAS, The Washington State Department of Game is the agency charged with overall coordination of wildlife well-being; and

WHEREAS, No event presently exists within the state of Washington to collectively recognize excellence in wildlife resource endeavors or the exceptional quality of the state's fish and game;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington respectfully request the Governor to proclaim: the second week in April of each year as "Washington Wildlife Week" and that the second weekend of April shall be planned for the annual Washington Wildlife Conference to be held for the purpose of bringing together all the wildlife-group interests of the state to enhance cooperation and to provide for recognition of excellence; and

BE IT FURTHER RESOLVED, That the Washington State Department of Game, along with the various sports and conservation organizations, Indian tribes, timber and forestry interests, agriculture, energy, outfitters and guides, hunters, fishermen, industry, and others, be invited to participate in these cooperative planning efforts for the future of wildlife in this state; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Honorable Booth Gardner, and the Department of Game.

#### MOTION

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

#### SENATE RESOLUTION 1987-8678

by Senators DeJarnatt, Zimmerman, Bauer, Tanner and Conner

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 River"; and

WHEREAS, The exploration of the Columbia 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 the Columbia 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 Senate 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 Secretary of the Senate to the Oregon State Senate and House of Representatives.

#### MOTION

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

#### SENATE RESOLUTION 1987-8679

by Senators Craswell, Rasmussen, Patterson, Hayner and Barr

WHEREAS, More than three million youngsters take part annually in the National Elks Lodge Hoop Shoot, now in its fifteenth year of operation; and

WHEREAS, Brian Thoemke, 10, of Silverdale, Washington, was one of three Washington contestants at the national finals, held at the Market Square arena in Indianapolis, Indiana, on Saturday, April 25, 1987; and

WHEREAS, Brian hit twenty-five of twenty-five free throws in the finals for boys in the ten to eleven year old age group and captured the national title in that age bracket; and

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington, takes great pleasure in extending its congratulations to Brian and to the other contestants in the final championship from the state of Washington, Chad Herron, 13, of Pasco, and Christine Davis, 11, of Colville, and to the National Elks Lodge for sponsoring such a successful program for the young people of America; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Brian Thoemke, Chad Herron and Christine Davis, and to Jack Taylor of Olympia, government relations chairman of the Washington State Elks Association.

Senators Craswell and Rasmussen spoke to the resolution.

#### MOTION

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

#### SENATE RESOLUTION 1987-8681

by Senators Sellar, Bottiger, Hayner, Fleming, Newhouse, Vognild and Rasmussen

WHEREAS, Lewis R. Holcomb has served as Executive Director of the Washington Public Ports Association for the past nineteen years; and

WHEREAS, Mr. Holcomb has, during all those years, represented the Association with distinction and uncommon dedication; and

WHEREAS, Mr. Holcomb has provided the Legislature with accurate and timely information and has acted fairly in his presentations of local government issues; and

WHEREAS, Mr. Holcomb's reputation of integrity will stand as a tribute to his character and demeanor; and

WHEREAS, Mr. Holcomb is retiring from the position of Executive Director of the Association on May 31, 1987;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State Senate recognize the contribution Mr. Holcomb has made to the port industry and wishes him continued good fortune in his future endeavors.

Senators Vognild and Sellar spoke to the resolution.

MOTION

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

SENATE RESOLUTION 1987-8682

by Senators Smitherman, Warnke, Fleming, Vognild and Johnson

WHEREAS, Small businesses are an integral part of the state's economy; and  
WHEREAS, Small businesses provide the major source of employment opportunities for the citizens of Washington; and

WHEREAS, Cooperation between government and small business is a vital component in creating a favorable business climate and promoting economic development in the state of Washington;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington, that the Legislature of the state of Washington support the Small Business Conference in October, 1987, to: Review the issues facing small businesses; foster cooperation and coordination between the private and public sector; and develop comprehensive strategies to assist small businesses in the state of Washington; and

BE IT FURTHER RESOLVED, That the Small Business Conference Report to the Legislature and the Governor during January, 1988, on the Conference's activities and recommendations.

MOTION

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

SENATE RESOLUTION 1987-8683

by Senators Wojahn, Anderson, Deccio, Stratton and Kreidler

WHEREAS, The United States Congress is currently considering legislation regarding legend drug sample distribution which may affect the laws of this state; and

WHEREAS, There may be a concern that the substitution of therapeutically equivalent drugs may not be appropriate or is not being properly monitored; and

WHEREAS, There may be a concern about the proper use of neuroleptic drugs which are used to treat disorders of the nervous system;

NOW, THEREFORE, BE IT RESOLVED, That the Senate Human Services and Corrections Committee study and report to the Senate by January 1, 1988, on legend drug sample distribution, initiating and modifying prescription drug therapy and the substitution of therapeutically equivalent drugs, and the use of neuroleptic drugs.

MOTION

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

SENATE RESOLUTION 1987-8684

by Senators Cantu and Peterson

WHEREAS, Over the last five years there has been an increase in traffic accidents and fatalities on the secondary state highways of Washington State; and

WHEREAS, Trucks and heavy construction vehicles have become a significant factor in a growing number of roadway accidents, particularly in those areas where road construction is in progress; and

WHEREAS, When such roads were constructed to previous construction standards it was not anticipated that the roads accommodate the size, weight, and speed of modern construction vehicles; and

WHEREAS, The communities surrounding the Interstate 90 project have been burdened with increased traffic and specifically heavy truck traffic; and

WHEREAS, In many instances, secondary state highways receive only minimal traffic enforcement in part due to the fact that the traffic enforcement responsibilities are divided among the city, county, and state; and

WHEREAS, Because secondary state highways are oftentimes adjacent to homes, parks, schools, and all other aspects of community life, good traffic

enforcement is a vital necessity. Currently this problem exists along West Sammamish Way, State Route 901, in parts of Bellevue, Issaquah, and King County; and

WHEREAS, It is necessary for improvements to occur which make heavy truck traffic and community life compatible;

NOW, THEREFORE, BE IT RESOLVED, That review efforts be made on the part of the Washington State Patrol, the Washington State Department of Transportation, and the local agencies to insure the safety of these communities by taking the necessary steps to see that there is definite coordination of traffic enforcement and the necessary improvements to make traffic and communities along state highways compatible.

#### MOTION

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

#### SENATE RESOLUTION 1987-8686

by Senators Gaspard, Kiskaddon, Saling and Zimmerman

WHEREAS, Research and practice are increasingly showing that most individual behavior is largely motivated by self-confidence and self-esteem; and

WHEREAS, Self-esteem is a developed sense of one's inherent worth as a person, and is perhaps the key factor relating to the growth and development of healthy, responsible individuals; and

WHEREAS, Personal confidence may be the single most important factor contributing to success in individuals' lives, both as students and thereafter as productive members of society; and

WHEREAS, Low self-esteem, including lack of self-confidence, is an attitudinal impediment to students achieving their full academic potential and performing up to personal capabilities and expectations; and

WHEREAS, Increased self-esteem, including self-confidence, tends to enable students to become and feel more confident in their abilities, more creative, and more productive; and

WHEREAS, Schools are important social environments where students from pre-school through grade twelve, learn not only basic and other academic and vocational skills, but also learn to develop the self-confidence necessary to perform assigned tasks and responsibilities, necessary to be willing to take on new challenges, and necessary to learning to get along well with others;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington, That the Superintendent of Public Instruction, through the state clearinghouse for education information, is encouraged to collect and disseminate to all school districts, and other interested parties, information about: existing school or school district model programs designed to enhance students personal confidence, contribute to increased student performance, and support positive classroom management through enhanced attitudes toward self and others; and

BE IT FURTHER RESOLVED, That the state's public and private institutions of higher education and the Washington Institute for Public Policy are encouraged to support or undertake research on issues, including class size, concerning the relationship between self-esteem, including personal confidence, and student achievement; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate immediately transmit copies of this resolution to the Superintendent of Public Instruction, the Washington State School Directors' Association, the Association of Washington School Principals, the Washington Education Association, and the Washington Association of School Administrators.

Senators Gaspard and Kiskaddon spoke to the resolution.

#### MOTION

At 11:05 a.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 1:30 p.m. by President Cherberg.

At 1:33 p.m., the President declared the Senate to be at ease.

The Senate was called to order at 4:14 p.m. by President Cherberg.

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

#### MESSAGE FROM THE HOUSE

May 15, 1987

MR. PRESIDENT:

The House refuses to concur in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1221 and asks the Senate for a conference thereon. The Speaker has appointed the following members as Conferees: Representatives Grimm, McMullen and Ballard.

ALAN THOMPSON, Chief Clerk

#### MOTIONS

On motion of Senator Vognild, the Senate advanced to the ninth order of business.

On motion of Senator Vognild, the Committee on Rules was relieved of further consideration of Substitute Senate Bill No. 5293 and House Joint Memorial No. 4028.

On motion of Senator Vognild, Substitute Senate Bill No. 5293 was placed on the third reading calendar.

On motion of Senator Vognild, the rules were suspended and House Joint Memorial No. 4028 was advanced to second reading and placed on the second reading calendar.

#### MOTIONS

On motion of Senator Bottiger, the Senate commenced consideration of the Message from the House on Engrossed Substitute House Bill No. 1221.

On motion of Senator Bottiger, the Senate granted the request of the House for a conference on Engrossed Substitute House Bill No. 1221.

#### APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute House Bill No. 1221 and the Senate amendments thereon: Senators McDermott, McDonald and Hansen.

#### MOTION

On motion of Senator Bottiger, the Conference Committee appointments were confirmed.

#### PARLIAMENTARY INQUIRY

Senator Newhouse: "Mr. President, did you misread a name?"

#### REPLY BY THE PRESIDENT

President Cherberg: "No, sir. My job is to reflect as many areas of thought as possible to join a conference committee and you know that is the rule."

#### PERSONAL PRIVILEGE

Senator Newhouse: "Mr. President, a point of personal privilege. I must say that I think we have been subjected to the most severe double cross that I have seen in the halls of the Legislature. We were told that we were to have two conferees on the budget from the majority side of the budget. That has not happened. I would not like to challenge the action of the chair and I want to respect your long years in office, but I must say that that trust has been broken. You have put two from the minority side of the issue on the Conference Committee and the majority side has only one and I think that's a breach of trust."

#### REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President. Senator Newhouse, I know how strongly you feel on that, but that's just not accurate. Senator Hansen voted for the budget. The rules and the customs of the Senate require that there be two from the positive and one from the negative. You put up two names. I put up one. The Lieutenant Governor found that that did not cover the three, in effect, sections or factions of the Senate on this issue and selected a name from the third. The five Democrats that voted

for the budget selected one. He called me by phone and indicated that he was going to do that and that had been the precedence of the Senate.

"I've run into this problem twice this session where he did not appoint the name I sent up there, because he did not feel that matched the debate and the interest on the floor of the Senate. I am sorry you feel that way. The purpose of a Conference Committee is to bring all sides together, not just two sides."

#### MOTIONS

On motion of Senator Vognild, the Senate advanced to the seventh order of business.

#### THIRD READING

SUBSTITUTE SENATE BILL NO. 5293, by Committee on Ways and Means (originally sponsored by Senators McDermott, Bender, McDonald, Bluechel, Wojahn and Deccio)

Revising business and occupation taxation of health and social welfare services.

#### MOTIONS

On motion of Senator Vognild, the rules were suspended and Substitute Senate Bill No. 5293 was returned to second reading and read the second time.

On motion of Senator Nelson, the following amendment by Senators Nelson, McDermott, Vognild, Wojahn, Craswell and Metcalf was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 82.04 RCW to read as follows:

This chapter does not apply to adult family homes which are licensed as such, or which are specifically exempt from licensing, under rules of the department of social and health services.

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 motion of Senator Nelson, the following title amendment was adopted:

On page 1, line 2 of the title, after "services;" strike the remainder of the title and insert "adding a new section to chapter 82.04 RCW; and declaring an emergency."

#### MOTION

On motion of Senator Vognild, the rules were suspended, Engrossed Substitute Senate Bill No. 5293 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 5293.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 5293 and the bill passed the Senate by the following vote: Yeas, 48; absent, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Absent: Senator Tanner - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5293, having received the 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 President returned the Senate to the sixth order of business.

#### SECOND READING

HOUSE JOINT MEMORIAL NO. 4028, by Representatives Schmidt and Walk

Opposing efforts to increase federal fuel taxes for deficit reduction.

The bill was read the second time.

MOTION

On motion of Senator Bender, the rules were suspended, House Joint Memorial No. 4028 was advanced to third reading, the second reading considered the third, and the memorial was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Joint Memorial No. 4028.

ROLL CALL

The Secretary called the roll on final passage of House Joint Memorial No. 4028 and the memorial passed the Senate by the following vote: Yeas, 43; nays, 5; absent, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Saling, Sellar, Smitherman, Stratton, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 43.

Voting nay: Senators DeJarnatt, Fleming, Moore, Rinehart, Talmadge - 5.

Absent: Senator Tanner - 1.

HOUSE JOINT MEMORIAL NO. 4028, having received the constitutional majority, was declared passed.

MOTION

At 4:40 p.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 5:22 p.m. by President Cherberg.

MOTION

At 5:22 p.m., on motion of Senator Vognild, the Senate adjourned until 10:00 a.m., Saturday, May 16, 1987.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

**TWENTIETH DAY**

---

**MORNING SESSION**

---

Senate Chamber, Olympia, Saturday, May 16, 1987

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Conner, Hansen, Kiskaddon, McDermott, Pullen and Tanner. On motion of Senator Bender, Senators Conner, Hansen, McDermott and Tanner were excused. On motion of Senator Zimmerman, Senators Kiskaddon and Pullen were excused.

The Sergeant at Arms Color Guard, consisting of Pages Melissa Ramming and Leah Durant, presented the Colors. Reverend Hilton Jarvis, pastor of the Lacey Baptist Chapel, offered the prayer.

**MOTION**

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

**MOTION**

On motion of Senator Vognild, the Senate recessed until 1:30 p.m.

**AFTERNOON SESSION**

The Senate was called to order at 1:30 p.m. by President Cherberg.

**MOTIONS**

On motion of Senator Vognild, the Senate advanced the ninth order of business.

On motion of Senator Vognild, the Committee on Rules was relieved of further consideration of Senate Resolution 1987-8639 and Senate Resolution 1987-8665.

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

**MOTION**

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

**SENATE RESOLUTION 1987-8639**

by Senator Gaspard

WHEREAS, There are large numbers of special education students who are in need of services that will assure their effective transition from the public school system to community programs, employment and support systems; and

WHEREAS, There is not data now available that illuminates the nature or magnitude of the problem, if one exists; and

WHEREAS, It is believed that large numbers of former special education students are not now, but could be, gainfully employed with assistance from a coordinated system of transition; and

WHEREAS, The time, money, and effort of special education programs should not be diminished by the failure of a transition between the classroom and life after the classroom; and

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate requests that the Office of the Superintendent of Public Instruction, the Department of Social and Health Services (including the Division of Developmental Disabilities and the Division of Vocational Rehabilitation) and the Developmental Disabilities Planning Council conduct a study:

(1) to gather data on special education relating to services acquired and services needed by these students upon leaving the public school system;

(2) to gather data relating to sheltered, supported or competitive employment obtained;

(3) to develop the basis of a plan that would create an effective statewide transition system for special education students as they exit the public school system; this plan would include a resource analysis and legal review of agency WACS and guidelines currently affecting transition; and

BE IT FURTHER RESOLVED, That the results of such study, together with any recommendations therefrom, be presented to the Washington State Senate by December, 1988.

#### MOTION

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

#### SENATE RESOLUTION 1987-8665

by Senators Gaspard, Wojahn, Lee and Warnke

WHEREAS, The nutrition which is provided by well balanced breakfasts and lunches contributes greatly to a healthy learning environment; and

WHEREAS, Some 3,312,160 breakfasts and 52,655,232 lunches were served in Washington public schools last year; and

WHEREAS, The food services program employs some three thousand eight-hundred and eight-eight people in our school system; and

WHEREAS, Most of the food services program is funded from federal sources, but district expenditures exceeded revenues by over eleven million dollars; and

WHEREAS, School districts are forced to use levy monies to run their food services program and are also forced to increase lunch prices, which in turn causes a decrease in participation; and

WHEREAS, Food service employees are the only large group of school employees who are not recognized as state-supported employees for the purposes of salaries and benefits;

NOW, THEREFORE, BE IT RESOLVED, That an interim study be conducted by members of the Senate Education and Senate Ways and Means Committees in order to determine the current and appropriate degrees of state financial involvement in food services programs, and that such study group report its findings and recommendations back to the Senate by December, 1987.

#### MOTIONS

On motion of Senator Vognild, the Senate advanced to the ninth order of business.

On motion of Senator Vognild, the Committee on Rules was relieved of further consideration of Engrossed Substitute Senate Concurrent Resolution No. 8412 and Engrossed Senate Concurrent Resolution No. 8413.

On motion of Senator Vognild, the Senate commenced consideration of Engrossed Senate Concurrent Resolution No. 8413.

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

#### THIRD READING

ENGROSSED SENATE CONCURRENT RESOLUTION NO. 8413, by Senators Metcalf, Warnke, Vognild and Nelson

Establishing the joint select committee on labor-management relations.

The resolution was read the third time and placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Concurrent Resolution No. 8413.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Concurrent Resolution No. 8413 and the resolution passed the Senate by the following vote: Yeas, 42; absent, 1; excused, 6.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hayner, Johnson, Lee,



McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Vognilid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 42.

Absent: Senator Kreidler - 1.

Excused: Senators Conner, Hansen, Kiskaddon, McDermott, Pullen, Tanner - 6.

ENGROSSED SENATE CONCURRENT RESOLUTION NO. 8413, having received the constitutional majority, was declared passed.

### THIRD READING

ENGROSSED SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8412, by Committee on Ways and Means (originally sponsored by Senators Talmadge, Newhouse, McDermott and Bottiger)

Establishing a select committee to review the state convention and trade center.

The resolution was read the third time and placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Concurrent Resolution No. 8412.

### ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Concurrent Resolution No. 8412 and the resolution passed the Senate by the following vote: Yeas, 25; nays, 18; excused, 6.

Voting yea: Senators Bauer, Bender, Bottiger, DeJarnatt, Fleming, Gaspard, Halsan, Johnson, Kreidler, McCaslin, Metcalf, Moore, Newhouse, Owen, Peterson, Rasmussen, Rinehart, Smitherman, Stratton, Talmadge, Vognilid, von Reichbauer, Warnke, West, Wojahn - 25.

Voting nay: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Garrett, Hayner, Lee, McDonald, Nelson, Patterson, Saling, Sellar, Williams, Zimmerman - 18.

Excused: Senators Conner, Hansen, Kiskaddon, McDermott, Pullen, Tanner - 6.

ENGROSSED SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8412, having received the constitutional majority, was declared passed.

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

### MOTION

On motion of Senator Vognilid, the Senate commenced consideration of Senate Bill No. 5901.

### SECOND READING

SENATE BILL NO. 5901, by Senator McDermott

Relating to fiscal matters.

### MOTIONS

On motion of Senator Bottiger, Substitute Senate Bill No. 5901 was substituted for Senate Bill No. 5901 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Bluechel, the following amendment by Senators Bluechel, Fleming and Bender was adopted:

On page 1, line 16, after "act" insert ", less any payments received by the corporation under an agreement and settlement with Industrial Indemnity Co. or sale of private development rights by the corporation"

Senator Bluechel moved that the following amendment by Senators Bluechel, McDermott, Williams and Fleming be adopted:

On page 2, line 14, after "sources" strike all language through and including "representatives" on line 17

Debate ensued.

### POINT OF INQUIRY

Senator Talmadge: "Senator Bluechel, by this amendment you are proposing to delete the requirements that OFM and the chairs of the committee give approval to routine operational decisions? I assume that they are to be actively involved in

making the more significant decisions that the board is required to make with respect to expenditures?"

Senator Bluechel: "That is correct, Senator Talmadge. They are still in the other parts of the bill. This is just the routine operations. When any lease is signed or any major items, the board is still involved--OFM and the chairman of the Ways and Means Committee--but in this particular case, it is the day to day operations."

The President declared the question before the Senate to be adoption of the amendment by Senators Bluechel, McDermott, Williams and Fleming.

The motion by Senator Bluechel carried and the amendment was adopted on a rising vote.

#### MOTION

On motion of Senator Vognild, further consideration of Substitute Senate Bill No. 5901 was deferred.

#### PARLIAMENTARY INQUIRY

Senator Talmadge: "Mr. President, before we leave this bill, a point of parliamentary inquiry. Mr. President, when Senate Bill 5901 again returns to the Senate floor for consideration, is this the bill that requires twenty-five votes or thirty votes to be enacted?"

#### REPLY BY THE PRESIDENT

President Cherberg: "The President would prefer to make his ruling at the designated time if that meets with your approval?"

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

#### THIRD READING

SENATE BILL NO. 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.

#### MOTIONS

On motion of Senator Gaspard, the rules were suspended and Senate Bill No. 5263 was returned to second reading and read the second time.

On motion of Senator Gaspard, the following amendment was adopted:

Strike everything after the enacting clause and insert the following:

**NEW SECTION.** Sec. 1. A new section is added to chapter 28A.41 RCW to read as follows:

For the 1987-88 school year, the formula adopted by the legislature pursuant to RCW 28A.41.140 shall include a ratio of one certificated person to seventeen and one-tenth annual average full time equivalent vocational students in grades nine through twelve enrolled in vocational education programs approved by the superintendent of public instruction. Commencing with the 1988-89 school year, the formula shall include a ratio of one certificated person to sixteen and sixty-seven one-hundredths annual average full time equivalent vocational students in grades nine through twelve enrolled in vocational education programs approved by the superintendent of public instruction: PROVIDED, That any increase in funds generated by the change in the ratio of certificated personnel to annual average full time equivalent vocational students shall be used by local school districts to provide additional support for their vocational education programs commencing with the 1987-88 school year.

#### MOTION

On motion of Senator Gaspard, the rules were suspended, Engrossed Senate Bill No. 5263 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 5263.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 5263 and the bill passed the Senate by the following vote: Yeas, 42; absent, 1; excused, 6.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hayner, Johnson, Kreidler, Lee, McCaslin, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Vognil, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 42.

Absent: Senator McDonald - 1.

Excused: Senators Conner, Hansen, Kiskaddon, McDermott, Pullen, Tanner - 6.

ENGROSSED SENATE BILL NO. 5263, having received the 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 FOR RECONSIDERATION

Having voted on the prevailing side, Senator West moved to reconsider the vote by which Engrossed Substitute Senate Concurrent Resolution No. 8412 was adopted earlier today.

Debate ensued.

Senator Nelson demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion to reconsider the vote by which Engrossed Substitute Senate Concurrent Resolution No. 8412 was adopted earlier today.

#### ROLL CALL

The Secretary called the roll and the motion by Senator West, having failed to receive a 2/3s majority, failed by the following vote: Yeas, 22; nays, 20; absent, 1; excused, 6.

Voting yea: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Garrett, Hayner, Johnson, Lee, McCaslin, Metcalf, Nelson, Newhouse, Patterson, Saling, Sellar, Stratton, West, Zimmerman - 22.

Voting nay: Senators Bauer, Bender, Bottiger, DeJarnatt, Fleming, Gaspard, Halsan, Kreidler, Moore, Owen, Peterson, Rasmussen, Rinehart, Smitherman, Talmadge, Vognil, von Reichbauer, Warnke, Williams, Wojahn - 20.

Absent: Senator McDonald - 1.

Excused: Senators Conner, Hansen, Kiskaddon, McDermott, Pullen, Tanner - 6.

#### MOTION

At 2:12 p.m., on motion of Senator Vognil, the Senate was declared to be at ease.

The Senate was called to order at 2:24 p.m. by President Cherberg.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5901, deferred on second reading, earlier today.

#### RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the inquiry raised by Senator Talmadge, the President finds that Substitute Senate Bill No. 5901 is a measure expanding the borrowing power of the Washington State Convention and Trade Center, increasing the leasing capacity of the Center's board, directing the Joint Select Committee on the Convention Center to consider alternative governance systems and appropriating \$63,040,000 to the board from the State Convention Center account.

"The President further finds that the borrowing is from excess balances in the state treasury and, therefore, is not a contracting of debt.

"The President, therefore, believes that Substitute Senate Bill No. 5901 does not require a favorable vote of three-fifths of the members elected to the Senate, but does require a constitutional majority of twenty-five votes."

#### MOTION

Senator Tanner moved that the following amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. A new section is added to chapter 67.40 RCW to read as follows:

By July 1, 1989, the governor shall enter into an agreement with the corporation or other entity whereby, for consideration, the corporation or entity shall lease the state convention and trade center for a period of ninety-nine years. Under the agreement, the corporation or entity shall assume all responsibility for constructing, operating, and maintaining the facility. The state shall retain all responsibility for the retirement of the bonds issued under this chapter. The corporation or entity shall retain all revenues from the operation of the facility. In exchange,

the state shall not be responsible for any operating costs or any other liabilities of the facility, and the corporation or entity shall agree to hold the state harmless from any such liabilities. The agreement shall include covenants to assure public use and access to the facility.

Sec. 2. Section 2, chapter 34, Laws of 1982 as last amended by section 1, chapter 210, Laws of 1984 and RCW 67.40.020 are each amended to read as follows:

The governor is authorized to form a public nonprofit corporation in the same manner as a private nonprofit corporation is formed under chapter 24.03 RCW. The public corporation shall ~~((be an instrumentality of the state and))~~ have all the powers and be subject to the same restrictions as are permitted or prescribed to private nonprofit corporations, but shall exercise those powers only for carrying out the purposes of this chapter and those purposes necessarily implied therefrom. The corporation shall not be considered an agency of the state. The governor shall appoint ~~((a))~~ an initial board of nine directors for the corporation who shall serve terms of six years, except that two of the original directors shall serve for two years and two of the original directors shall serve for four years. Vacancies on the board shall be filled by appointments by the remaining members of the board. The directors may provide for the payment of their expenses. The corporation may cause a state convention and trade center with an overall size of approximately three hundred thousand square feet to be designed and constructed on a site in the city of Seattle. In acquiring, designing, and constructing the state convention and trade center, the corporation shall consider the recommendations and proposals issued on December 11, 1981, by the joint select committee on the state convention and trade center.

~~((The corporation may acquire and transfer real and personal property by lease, purchase, or sale, and further acquire property by condemnation of privately owned property or rights to and interests in such property pursuant to the procedure in chapter 8.04 RCW, or gift, accept grants, request the financing provided for in RCW 67.40.030, cause the state convention and trade center facilities to be constructed, and do whatever is necessary or appropriate to carry out those purposes. In order to allow the corporation flexibility to secure appropriate insurance by negotiation, the corporation is exempt from RCW 48.30.270.))~~ The corporation shall not exercise the powers of eminent domain. The corporation shall maintain, operate, promote, and manage the state convention and trade center if it enters into an agreement under section 1 of this 1987 act.

~~((In order to allow the corporation flexibility in its personnel policies, the corporation is exempt from chapter 41.06 RCW, chapter 41.05 RCW, RCW 43.01.040 through 43.01.044, chapter 41.04 RCW and chapter 41.40 RCW.))~~

Sec. 3. Section 3, chapter 34, Laws of 1982 as last amended by section 1, chapter 233, Laws of 1985 and RCW 67.40.030 are each amended to read as follows:

For the purpose of providing funds for the state convention and trade center, the state finance committee is authorized to issue, upon request of the corporation formed under RCW 67.40.020 and in one or more offerings, general obligation bonds of the state of Washington in the sum of ~~((ninety-nine))~~ one hundred thirty-one million seven hundred twenty thousand dollars, or so much thereof as may be required, to finance this project and all costs incidental thereto, to capitalize all or a portion of interest during construction, and to provide for expansion, renovation, and contingency costs of the center ~~((and to reimburse the general fund for expenditures in support of the project))~~. The state finance committee may make such bond covenants as it deems necessary to carry out the purposes of this section and this chapter. No bonds authorized in this section may be offered for sale without prior legislative appropriation.

Sec. 4. Section 4, chapter 34, Laws of 1982 as last amended by section 66, chapter 57, Laws of 1985 and RCW 67.40.040 are each amended to read as follows:

The proceeds from the sale of the bonds authorized in RCW 67.40.030, earnings from the investment of the proceeds, ~~((proceeds of the tax imposed under RCW 67.40.090;))~~ and operating revenues of the state convention and trade center shall be deposited in the state convention and trade center account hereby created ~~((in the state treasury))~~ and in such subaccounts as are deemed appropriate by the directors of the corporation. The corporation may maintain such other accounts in depositories as the corporation deems appropriate.

Moneys in the account shall be used exclusively for the following purposes in the following priority:

- (1) ~~((For reimbursement of the state general fund under RCW 67.40.060;~~
- ~~((2) For payment of expenses incurred in the issuance and sale of the bonds issued under RCW 67.40.030;~~
- ~~((3))~~ For acquisition, design, and construction of the state convention and trade center; and
- ~~((4))~~ (2) For operation and promotion of the center((:
- ~~((5) For reimbursement of any expenditures from the state general fund in support of the state convention and trade center;~~
- (6) To establish a subaccount of up to fifty million dollars for expansion or renovation of the center;
- ~~((7) For early retirement of the bonds issued under RCW 67.40.030; and~~
- ~~((8) To reduce or eliminate the tax imposed under RCW 67.40.090.~~

~~PROVIDED: That no proceeds from the sale of bonds or earnings from the investment of the proceeds shall be used to fund subsection (4) or (6) of this section).~~

Sec. 5. Section 6, chapter 34, Laws of 1982 as amended by section 5, chapter 1, Laws of 1983 2nd ex. sess. and RCW 67.40.060 are each amended to read as follows:

The state general obligation bond retirement fund shall be used for the payment of the principal of and interest on the bonds authorized in RCW 67.40.030.

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 prior to 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 state general obligation bond retirement fund an amount equal to the amount certified by the state finance committee to be due on that payment date. On each date on which any interest or principal and interest is due, the state treasurer shall cause an identical amount to be paid out of the ~~((state convention and trade center))~~ hotel special excise tax account, from the proceeds of the special excise tax imposed under RCW 67.40.090 ~~((operating revenues of the state convention and trade center; and bond proceeds and earnings on the investment of bond proceeds))~~ and such other moneys as are deposited in the account, for deposit in the general fund of the state treasury. Any deficiency in such transfer shall be made up as soon as special excise taxes are available for transfer and shall constitute a continuing obligation of the ~~((state convention and trade center))~~ hotel special excise tax account until all deficiencies are fully paid.

Bonds issued under RCW 67.40.030 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.

Sec. 6. Section 9, chapter 34, Laws of 1982 and RCW 67.40.090 are each amended to read as follows:

Commencing April 1, 1982, there is imposed, and the department of revenue shall collect, in King county a special excise tax on the sale of or charge made for the furnishing of lodging by a hotel, rooming house, tourist court, motel, or trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property, except that no such tax may be levied on any premises having fewer than sixty lodging units. It shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes rental or lease of real property and not a mere license to use or enjoy the same. The legislature on behalf of the state pledges to maintain and continue this tax until the bonds authorized by this chapter are fully redeemed, both principal and interest.

The rate of the tax imposed under this section shall be:

- (1) From April 1, 1982, through December 31, 1982, inclusive, three percent in the city of Seattle and two percent in King county outside the city of Seattle; and
- (2) On and after January 1, 1983, five percent in the city of Seattle and two percent in King county outside the city of Seattle.

The proceeds of the special excise tax shall be deposited in the ~~((state convention and trade center))~~ hotel special excise tax account hereby created in the state treasury. Chapter 82.32 RCW applies to the tax imposed under this section.

No tax may be imposed under this section after the bonds authorized by this chapter are fully redeemed, both principal and interest.

NEW SECTION. Sec. 7. The following acts or parts of acts are each repealed:

- (1) Section 2, chapter 233, Laws of 1985 and RCW 67.40.025;
- (2) Section 3, chapter 233, Laws of 1985 and RCW 67.40.027;
- (3) Section 4, chapter 34, Laws of 1982, section 4, chapter 1, Laws of 1983 2nd ex. sess., section 66, chapter 57, Laws of 1985, section 4 of this 1987 act and RCW 67.40.040; and
- (4) Section 5, chapter 34, Laws of 1982 and RCW 67.40.050.

NEW SECTION. Sec. 8. (1) There is appropriated to the state convention and trade center corporation the sum of twenty million dollars from the state convention and trade center account. This amount shall be repaid to the hotel special excise tax account upon the sale of private development rights by the corporation.

(2) There is appropriated to the state convention and trade center corporation the sum of forty-three million forty thousand dollars from the state convention and trade center account. This appropriation consists of the following moneys:

- (a) Twenty-nine million two hundred fifty thousand dollars, contingent upon receipt of moneys by the corporation under an agreement and settlement with Industrial Indemnity Co.;
- (b) Seven million nine hundred fifty-five thousand dollars for the McKay building demolition, Eagles building rehabilitation, construction of rentable retail space, and construction of an operable parking garage. Moneys may be expended from this amount by the corporation only after approval of the director of financial management;

(c) Four million seven hundred sixty-five thousand dollars for reserve and contingencies; and

(d) One million seventy thousand dollars for city of Seattle contributions.

NEW SECTION, Sec. 9. A new section is added to chapter 67.40 RCW to read as follows:

Under no circumstances may the state convention and trade center corporation make expenditures for capital purposes in excess of one hundred sixty-two million one hundred ten thousand dollars.

NEW SECTION, Sec. 10. (1) Sections 1, 3, 5, 6, 8, and 9 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.

(2) The remainder of this act shall take effect June 30, 1989."

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Tanner.

The motion by Senator Tanner failed and the amendment was not adopted.

#### MOTION

On motion of Senator Vognild, the rules were suspended, Engrossed Substitute Senate Bill No. 5901 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 5901.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 5901 and the bill passed the Senate by the following vote: Yeas, 28; nays, 14; absent, 2; excused, 5.

Voting yea: Senators Anderson, Bailey, Barr, Bender, Benitz, Bluechel, Cantu, DeJarnatt, Fleming, Garrett, Halsan, Hayner, Johnson, Kreidler, Lee, Metcalf, Nelson, Newhouse, Owen, Patterson, Saling, Sellar, Smitherman, Stratton, von Reichbauer, West, Williams, Zimmerman - 28.

Voting nay: Senators Bauer, Bottiger, Craswell, Gaspard, McCaslin, Moore, Peterson, Rasmussen, Rinehart, Talmadge, Tanner, Vognild, Warnke, Wojahn - 14.

Absent: Senators Deccio, McDonald - 2.

Excused: Senators Conner, Hansen, Kiskaddon, McDermott, Pullen - 5.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5901, having received the 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 President reverted the Senate to the third order of business.

#### MESSAGE FROM THE GOVERNOR

May 15, 1987

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on May 15, 1987, Governor Gardner approved the following Senate Bills entitled:

Senate Bill No. 5085

Relating to the warehousemen's liens.

Substitute Senate Bill No. 5181

Relating to donation receptacles for charitable organizations.

Senate Bill No. 5428

Relating to cities and towns.

Senate Bill No. 5550

Relating to sexual offenders.

Senate Bill No. 5678

Relating to tuition waivers for students in the regional education program for deaf students.

Sincerely,

TERRY SEBRING, Legal Counsel to the Governor

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

## MOTION

Senator Halsan moved that the following resolution be adopted:

## SENATE RESOLUTION 1987-8687

by Senators Halsan, Nelson, Wojahn, Bottiger and Moore

WHEREAS, Syttende Mai, or the seventeenth of May, is Norwegian Constitution Day celebrating the independence of Norway from Sweden in 1905; and

WHEREAS, This day is commemorated with equal gaiety by both Norwegians and Swedes alike; and

WHEREAS, The contribution of persons of Scandinavian heritage to the pioneering and development of the state of Washington arguably exceeds that of any other group;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington with great appreciation acknowledges the valued contribution of our Scandinavian-American citizens; and

BE IT FURTHER RESOLVED, That Sunday, May 17, 1987, shall be celebrated as Norwegian Independence Day, one of the most important holidays of the year; and

BE IT FURTHER RESOLVED, That for Sunday, May 17, all citizens of the state of Washington shall be declared to be honorary Norwegian-Americans, citizens of Ballard, and required to eat lutefisk.

Senators Halsan, Nelson and Vognild spoke to the resolution.

## POINT OF INQUIRY

Senator Zimmerman: "Senator Halsan, candu snoka da Norsk (Can you speak the Norwegian)?"

Senator Halsan: "Yeah (Yes)".

Senator Zimmerman: "For those of you who are not lutefisk fans, will you have any fatiman or lelsa?"

Senator Halsan: "Unfortunately, I can't arrange it at such short notice, but if you wait around here, next Christmas time, I'll have plenty of it for you."

Senator Zimmerman: "You've got the Scandinavians and you've got Norwegians and Swedes in there, what do you do with the northern Laplanders up there? Are they allowed?"

Senator Halsan: "They are definitely allowed to celebrate, but since this is Norwegian and descendants from Sweden, they don't have that much to celebrate."

Senator Zimmerman: "Thank you very much."

The President declared the question before the Senate to be adoption of Senate Resolution 1987-8687.

The motion by Senator Halsan carried and the resolution was adopted.

There being no objection, the President returned the Senate to the seventh order of business.

## THIRD READING

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5086, by Committee on Ways and Means (originally sponsored by Senators Halsan, Talmadge, Moore, Stratton and Gaspard)

Revising provisions on community supervision.

## MOTIONS

On motion of Senator Halsan, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5086 was returned to second reading and read the second time.

On motion of Senator Halsan, the following amendment by Senators Halsan, Talmadge, Nelson and Smitherman was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. 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 that portion of an offender's community placement that represents the amount of early release time an offender earns in partial or total confinement.

(4) "Community placement" is a department of corrections program designed to intensely monitor offenders convicted of any sex offense or offense categorized as seriousness level VII or greater under RCW 9.94A.320, following transfer from partial or total confinement. Community placement may consist of entirely community custody, entirely postrelease supervision, or a combination of the two depending on the amount of early release time an offender earns in partial or total confinement. Community placement shall not exceed one year following transfer from partial or total confinement to community custody or direct placement upon postrelease supervision from partial or total confinement. However, community custody may exceed one year in the case of a sex offender who completes his or her treatment program under RCW 9.94A.120(7)(b) before the expiration of the term of confinement.

(5) "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)) (6) "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)) (7) "Confinement" means total or partial confinement as defined in this section.

((6)) (8) "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)) (9) "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)) (10) (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)) (11) "Department" means the department of corrections.

((10)) (12) "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)) (13) "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)) (14) "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)) (15) "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)) (16) "Fines" means the requirement that the offender pay a specific sum of money over a specific period of time to the court.

((15)) (17) (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)) (18) "Nonviolent offense" means an offense which is not a violent offense.

((17)) (19) "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.

((10)) (20) "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 other unit of government, for a substantial portion of each day with the balance of the day spent in the community.

(21) "Postrelease supervision" is that portion of an offender's community placement in excess of the amount of early release time an offender has earned in partial or total confinement which has been served in community custody. Community custody and postrelease supervision shall not exceed one year in the aggregate from the offender's release from partial or total confinement.

((19)) (22) "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)) (23) "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)) (24) "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)) (25) "Sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

((23)) (26) "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)) (27) "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)) (28) "Victim" means any person who has sustained physical or financial injury to person or property as a direct result of the crime charged.

((26)) (29) "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 (a) of this 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 (a) or (b) of this subsection ((26)(a) or (b) of this section).

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 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 reparation to the victim for the cost of any counseling required as a result of the offender's crime; or

(vii) Refrain from committing violent offenses, offenses involving a deadly weapon, and any felony violation of the uniform controlled substances act.

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 on or after July 1, 1987, and is sentenced ~~((on or after July 1, 1987;))~~ 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)(b) of this section.~~

If the offender violates any of the terms of community ~~((supervision)) custody, the ((court)) department may order the offender to serve ((out the balance of his community supervision term in confinement in the custody of the department of corrections)) a maximum of sixty days for each violation in partial or total confinement not to exceed the total period of community placement.~~

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)(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, committed on or after July 1, 1987, or an offense categorized as seriousness level VII or greater under RCW 9.94A.320, committed on or after July 1, 1988, 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, and shall thereafter be placed on postrelease supervision for the balance of the offender's community placement.~~

~~(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, committed on or after July 1, 1987, or an offense categorized as seriousness level VII or greater under RCW 9.94A.320, committed on or after July 1, 1988, 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 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 or a specified class of individuals;~~

~~(iii) The offender shall participate in treatment or counseling services;~~

~~(iv) The offender shall not consume alcohol;~~

(v) The residence location and living arrangements of a sex offender shall be subject to the prior approval of the department of corrections; or

(vi) The offender shall comply with any crime-related prohibitions.

(d) Within thirty days prior to release from confinement and throughout the period of community placement, the conditions of supervision may be modified by the sentencing court, upon motion of the offender or the prosecuting attorney.

(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)~~ 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))~~ (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)~~ 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, refraining from committing violent offenses, offenses involving a deadly weapon, and any felony violation of the uniform controlled substances act, and such other instructions that allow for the monitoring of court-imposed conditions.

~~((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. 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) Except for persons convicted of a sex offense or an offense categorized as seriousness level VII or greater under RCW 9.94A.320, 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. Persons convicted of a sex offense or an offense categorized as seriousness level VII or greater under RCW 9.94A.320 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 person convicted of a sex offense or an offense categorized as seriousness level VII or greater under RCW 9.94A.320 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.

(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))~~ ~~(If the sentence of confinement is in excess of twelve months but not in excess of three years:)~~ (5) 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))~~ (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. 4. 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 5 of this act shall not be considered a sanction.

NEW SECTION. Sec. 5. 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. 6. A new section is added to chapter 72.09 RCW to read as follows:

An offender in community custody who wilfully 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.

Sec. 7. 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.

NEW SECTION. Sec. 8. A new section is added to chapter 9.94A RCW to read as follows:

If the offender violates any condition of postrelease supervision, a hearing may be conducted in the same manner as provided in RCW 9.94A.200. Jurisdiction shall be with the court of the county in which the offender was sentenced. However, the court may order a change of venue to the offender's county of residence or where the violation occurred, for the purpose of holding a violation hearing. The district courts shall have concurrent jurisdiction with the superior courts after a certified copy of the judgment and sentence is filed.

After the hearing, the court may order the offender to be confined for up to sixty days in the county jail, the first thirty of which shall be at state expense from funds provided for this purpose to the department of corrections, and the second thirty of which, together with costs of

indigent defense, shall be at county expense. Reasonable 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 or conditions has expired, an offender may be confined for a violation occurring during the period of supervision or conditions if the petition to revoke is filed within the period of supervision or seven days thereafter. The court shall retain jurisdiction for the purpose of holding the violation hearing and imposing a sanction.

Sec. 9. 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.

(2) The period of community placement 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 5 of this 1987 act and is later found not to have violated a condition or requirement of community placement, time spent in total confinement due to such detention shall not toll the period of community placement. The period of community placement 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 placement, the date for the tolling of the sentence shall be established by the department of corrections.

(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.

**NEW SECTION, Sec. 10.** A new section is added to chapter 72.09 RCW to read as follows:

The state of Washington, the department, community corrections officers, their staff, and volunteers who assist community corrections officers in the community placement program are not liable for civil damages resulting from any act or omission in the rendering of community placement monitoring activities, other than acts or omissions constituting gross negligence or wilful or wanton misconduct. For purposes of this section, "volunteers" is defined according to RCW 51.12.035.

Sec. 11. 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) The state has the burden of showing noncompliance by a preponderance of the evidence. 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. Any confinement served as a violation for committing new offenses shall be credited towards the confinement imposed for the new conviction and shall not exceed sixty days or the term of confinement for the new conviction; 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. 12. Section 7, chapter 115, Laws of 1983 as last amended by section 25, chapter 257, Laws of 1986 and RCW 9.94A.360 are each amended to read as follows:

The offender score is measured on the horizontal axis of the sentencing grid. The offender score rules, partially summarized in Table 3, RCW 9.94A.330, are as follows:

The offender score is the sum of points accrued under subsections (1) through ~~((1+4))~~ (15) of this section rounded down to the nearest whole number.

(1) A prior conviction is a conviction which exists before the date of sentencing for the offense for which the offender score is being computed. Convictions entered or sentenced on

the same date as the conviction for which the offender score is being computed shall be deemed "other current offenses" within the meaning of RCW 9.94A.400.

(2) Except as provided in subsections (3) and (13) of this section, class A prior felony convictions shall always be included in the offender score. Class B prior felony convictions shall not be included in the offender score, if since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent ten consecutive years in the community without being convicted of any felonies. Class C prior felony convictions shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent five consecutive years in the community without being convicted of any felonies. Serious traffic convictions shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender spent five years in the community without being convicted of any serious traffic or felony traffic offenses. This subsection applies to both adult and juvenile prior convictions. Out-of-state convictions for offenses shall be classified according to the comparable offense definitions and sentences provided by Washington law.

(3) Include class A juvenile felonies only if the offender was 15 or older at the time the juvenile offense was committed. Include class B and C juvenile felony convictions only if the offender was 15 or older at the time the juvenile offense was committed and the offender was less than 23 at the time the offense for which he or she is being sentenced was committed.

(4) Score prior convictions for felony anticipatory offenses (attempts, criminal solicitations, and criminal conspiracies) the same as if they were convictions for completed offenses.

(5) In the case of multiple prior convictions, for the purpose of computing the offender score, count all convictions separately, except:

(a) Prior adult offenses which were found, under RCW 9.94A.400(1)(a), to encompass the same criminal conduct, shall be counted as one offense, the offense that yields the highest offender score. The current sentencing court shall determine with respect to other prior adult offenses for which sentences were served concurrently whether those offenses shall be counted as one offense or as separate offenses, and if the court finds that they shall be counted as one offense, then the offense that yields the highest offender score shall be used;

(b) Juvenile prior convictions entered or sentenced on the same date shall count as one offense, the offense that yields the highest offender score; and

(c) In the case of multiple prior convictions for offenses committed before July 1, 1986, for the purpose of computing the offender score, count all adult convictions served concurrently as one offense, and count all juvenile convictions entered on the same date as one offense. Use the conviction for the offense that yields the highest offender score.

(6) If the present conviction is one of the anticipatory offenses of criminal attempt, solicitation, or conspiracy, count each prior conviction as if the present conviction were for a completed offense.

(7) If the present conviction is for a nonviolent offense and not covered by subsection (11), (12), or (13) of this section, count one point for each adult prior felony conviction and one point for each juvenile prior violent felony conviction and 1/2 point for each juvenile prior nonviolent felony conviction.

(8) If the present conviction is for a violent offense and not covered in subsection (9), (10), (11), or (12) of this section, count two points for each prior adult and juvenile violent felony conviction, one point for each prior adult nonviolent felony conviction, and 1/2 point for each prior juvenile nonviolent felony conviction.

(9) If the present conviction is for Murder 1 or 2, Assault 1, Kidnaping 1, or Rape 1, count three points for prior adult and juvenile convictions for crimes in these categories, two points for each prior adult and juvenile violent conviction (not already counted), one point for each prior adult nonviolent felony conviction, and 1/2 point for each prior juvenile nonviolent felony conviction.

(10) If the present conviction is for Burglary 1, count prior convictions as in subsection (8) of this section; however count two points for each prior adult Burglary 2 conviction, and one point for each prior juvenile Burglary 2 conviction.

(11) If the present conviction is for a felony traffic offense count two points for each adult or juvenile prior conviction for Vehicular Homicide; count one point for each adult, and 1/2 point for each juvenile, prior conviction for each other felony offense or serious traffic offense.

(12) If the present conviction is for a drug offense count two points for each adult prior felony drug offense conviction and one point for each juvenile drug offense. All other adult and juvenile felonies are scored as in subsection (8) of this section if the current drug offense is violent, or as in subsection (7) of this section if the current drug offense is nonviolent.

(13) If the present conviction is for escape (Escape 1, RCW 9A.76.110; Escape 2, RCW 9A.76.120; Willful Failure to Return from Furlough, RCW 72.66.060; and Willful Failure to Return from Work Release, RCW 72.65.070), count only prior escape convictions in the offender score.

Count adult prior escape convictions as one point and juvenile prior escape convictions as 1/2 point.

(14) If the present conviction is for Burglary 2, count priors as in subsection (7) of this section; however, count two points for each adult and juvenile prior Burglary 1 conviction, two points for each adult prior Burglary 2 conviction, and one point for each juvenile prior Burglary 2 conviction.

(15) If the present conviction is for an offense committed while the offender was under community placement or committed within one year following release from partial or total confinement or within one year following release from community placement pursuant to this chapter, count one point.

Sec. 13, Section 4, chapter 115, Laws of 1983 as last amended by section 24, chapter 257, Laws of 1986 and RCW 9.94A.330 are each amended to read as follows:

TABLE 3  
OFFENDER SCORE MATRIX

Current Offenses	Prior Adult Convictions (Score prior convictions for felony anticipatory crimes (attempts, criminal solicitations, and criminal conspiracies) the same as for the completed crime.)				
	Serious Violent	Burglary 1	Other Violent	Vehicular Assault/Homicide	Escape
Serious Violent	3	2	2	2	1
Burglary 1	2	2	2	2	1
Other Violent	2	2	2	2	1
Felony Traffic	1	1	1	2	1
Escape	0	0	0	0	1
Burglary 2	1	2	1	1	1
Other Non-Violent	1	1	1	1	1
Drug	1	1	1	1	1
Current Offenses	Prior Adult Convictions (Score prior convictions for felony anticipatory crimes (attempts, criminal solicitations, and criminal conspiracies) the same as for the completed crime.)				
	Burglary 2	Other Felony Traffic	Serious Traffic	Other Non-Violent	Drug
Serious Violent	1	1	0	1	1
Burglary 1	2	1	0	1	1
Other Violent	1	1	0	1	1
Felony Traffic	1	1	1	1	1
Escape	0	0	0	0	0
Burglary 2	2	1	0	1	1
Other Non-Violent	1	1	0	1	1
Drug	1	1	0	1	2
Current Offenses	Prior Juvenile Convictions (Score prior convictions for felony anticipatory crimes (attempts, criminal solicitations, and criminal conspiracies) the same as for the completed crime.)				
	Serious Violent	Burglary 1	Other Violent	Vehicular Assault/Homicide	Escape
Serious Violent	3	2	2	2	1/2
Burglary 1	2	2	2	2	1/2
Other Violent	2	2	2	2	1/2
Felony Traffic	1/2	1/2	1/2	2	1/2
Escape	0	0	0	0	1/2
Burglary 2	1/2	2	1/2	1/2	1/2
Other Non-Violent	1/2	1/2	1/2	1/2	1/2
Drug	1/2	1/2	1/2	1/2	1/2
Current Offenses	Prior Juvenile Convictions (Score prior convictions for felony anticipatory crimes (attempts, criminal solicitations, and criminal conspiracies) the same as for the completed crime.)				
	Burglary 2	Other Felony Traffic	Serious Traffic	Other Non-Violent	Drug
Serious Violent	1/2	1/2	0	1/2	1/2
Burglary 1	1	1/2	0	1/2	1/2
Other Violent	1/2	1/2	0	1/2	1/2
Felony Traffic	1/2	1/2	1/2	1/2	1/2



	Burglary 2	Other Felony Traffic	Serious Traffic	Other Non- Violent	Drug
Current Offenses					
Escape	0	0	0	0	0
Burglary 2	1	1/2	0	1/2	1/2
Other					
Non-Violent	1/2	1/2	0	1/2	1/2
Drug	1/2	1/2	0	1/2	1

Status at Time of Current Offense

<u>On community placement or an offense committed within one year following release from partial or total confinement or within one year following release from community placement</u>	1
<u>Not on community placement or not an offense committed within one year following release from partial or total confinement or within one year following release from community placement</u>	0

Sec. 14. 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. 15. 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. 16. 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. 17. 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. 18. 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.

**NEW SECTION.** Sec. 19. Increased sanctions authorized by this act are applicable only to those persons committing offenses after the effective date of this act.

**NEW SECTION.** Sec. 20. 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 Senator Halsan, the following title amendment was adopted:

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, 9.94A.170, 9.94A.200, 9.94A.360, 9.94A.330, 9.94A.110, 9.94A.195, 9.94A.380, 9.94A.383, and 9.94A.400; 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."

#### MOTION

On motion of Senator Halsan, the rules were suspended. Reengrossed Second Substitute Senate Bill No. 5086 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Reengrossed Second Substitute Senate Bill No. 5086.

#### ROLL CALL

The Secretary called the roll on final passage of Reengrossed Second Substitute Senate Bill No. 5086 and the bill passed the Senate by the following vote: Yeas, 37; nays, 4; absent, 3; excused, 5.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bottiger, Cantu, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Johnson, Lee, McCaslin, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams - 37.

Voting nay: Senators Bluechel, Craswell, Hayner, Zimmerman - 4.

Absent: Senators Kreidler, McDonald, Wojahn - 3.

Excused: Senators Conner, Hansen, Kiskaddon, McDermott, Pullen - 5.

REENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5086, having received the 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

At 2:44 p.m., on motion of Senator Vognild, the Senate adjourned until 1:00 p.m., Sunday, May 17, 1987.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

## TWENTY-FIRST DAY

---

### AFTERNOON SESSION

---

Senate Chamber, Olympia, Sunday, May 17, 1987

The Senate was called to order at 1:00 p.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Kiskaddon, Moore and Pullen.

The Sergeant at Arms Color Guard, consisting of Pages Aaron Bert and Derek Miller, presented the Colors. Senator Stanley Johnson offered the prayer.

#### MOTION

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

#### MESSAGES FROM THE HOUSE

May 16, 1987

MR. PRESIDENT:

The Speaker has signed HOUSE JOINT MEMORIAL NO. 4028, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

May 17, 1987

MR. PRESIDENT:

The House has passed SUBSTITUTE HOUSE BILL NO. 1225, and the same is herewith transmitted.

SHARON CASE, Assistant Chief Clerk

May 17, 1987

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5293, and the same is herewith transmitted.

SHARON CASE, Assistant Chief Clerk

#### SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 5293.

#### SIGNED BY THE PRESIDENT

The President signed:

HOUSE JOINT MEMORIAL NO. 4028.

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

#### INTRODUCTION AND FIRST READING OF HOUSE BILL

SHB 1225 by Committee on Health Care (originally sponsored by Representatives Brekke, Sayan, Lewis, Braddock, Sprenkle, Nelson, Allen, Jacobsen, Grimm, Appelwick, Wineberry, Hine, Niemi, Hargrove, Bristow, Belcher, Lux and P. King)

Developing and implementing prepaid capitated dental hygiene and care programs for medical assistance recipients.

#### MOTION

On motion of Senator Vognild, the rules were suspended, Substitute House Bill No. 1225 was advanced to second reading and placed on the second reading calendar.

## MOTIONS

On motion of Senator Vognild, the Senate advanced to the ninth order of business.

On motion of Senator Vognild, the Committee on Ways and Means was relieved of further consideration of Senate Bill No. 6075.

On motion of Senator Vognild, Senate Bill No. 6075 was referred to the Committee on Judiciary.

## MOTION

At 1:08 p.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 3:32 p.m. by President Cherberg.

## MOTION

On motion of Senator Vognild, the Committee on Rules was relieved of further consideration of Engrossed Substitute Senate Bill No. 6055.

## MOTION

At 3:33 p.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 3:45 p.m. by President Cherberg.

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

## MESSAGE FROM THE HOUSE

May 9, 1987

MR. PRESIDENT:

The House refuses to concur in the Senate amendments to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 477 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Braddock, Sprengle and Brooks. The bill is herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator McDermott, the rules were suspended, Engrossed Second Substitute House Bill No. 477 was returned to second reading and read the second time.

## MOTIONS

On motion of Senator McDermott, the following amendment was adopted:

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 health care access act of 1987.

NEW SECTION. Sec. 2. The legislature reserves the right to amend or repeal all or any part of this chapter at any time and there shall be no vested private right of any kind against such amendment or repeal. All the rights, privileges, or immunities conferred by this chapter or any acts done pursuant thereto shall exist subject to the power of the legislature to amend or repeal this chapter at any time.

NEW SECTION. Sec. 3. (1) The legislature finds that:

(a) A significant percentage of the population of this state does not have reasonably available insurance or other coverage of the costs of necessary basic health care services;

(b) This lack of basic health care coverage is detrimental to the health of the individuals lacking coverage and to the public welfare, and results in substantial expenditures for emergency and remedial health care, often at the expense of health care providers, health care facilities, and all purchasers of health care, including the state; and

(c) The use of managed health care systems has significant potential to reduce the growth of health care costs incurred by the people of this state generally, and by low-income pregnant women who are an especially vulnerable population, along with their children, and who need greater access to managed health care.

(2) The purpose of this chapter is to provide necessary basic health care services in an appropriate setting to working persons and others who lack coverage, at a cost to these persons that does not create barriers to the utilization of necessary health care services. To that end, this chapter establishes a program to be made available to those residents under sixty-five years of age not otherwise eligible for medicare with gross family income at or below two

hundred percent of the federal poverty guidelines who share in the cost of receiving basic health care services from a managed health care system.

(3) It is not the intent of this chapter to provide health care services for those persons who are presently covered through private employer-based health plans, nor to replace employer-based health plans. Further, it is the intent of the legislature to expand, wherever possible, the availability of private health care coverage and to discourage the decline of employer-based coverage.

(4) The program authorized under this chapter is strictly limited in respect to the total number of individuals who may be allowed to participate and the specific areas within the state where it may be established. All such restrictions or limitations shall remain in full force and effect until quantifiable evidence based upon the actual operation of the program, including detailed cost benefit analysis, has been presented to the legislature and the legislature, by specific act at that time, may then modify such limitations.

NEW SECTION. Sec. 4. As used in this chapter:

(1) "Washington basic health plan" or "plan" means the system of enrollment and payment on a prepaid capitated basis for basic health care services, administered by the plan administrator through participating managed health care systems, created by this chapter.

(2) "Administrator" means the Washington basic health plan administrator.

(3) "Managed health care system" means any health care organization, including health care providers, insurers, health care service contractors, health maintenance organizations, or any combination thereof, that provides directly or by contract basic health care services, as defined by the administrator and rendered by duly licensed providers, on a prepaid capitated basis to a defined patient population enrolled in the plan and in the managed health care system.

(4) "Enrollee" means an individual, or an individual plus the individual's spouse and/or dependent children, all under the age of sixty-five and not otherwise eligible for medicare, who resides in an area of the state served by a managed health care system participating in the plan, whose gross family income at the time of enrollment does not exceed twice the federal poverty level as adjusted for family size and determined annually by the federal department of health and human services, who chooses to obtain basic health care coverage from a particular managed health care system in return for periodic payments to the plan.

(5) "Subsidy" means the difference between the amount of periodic payment the administrator makes, from funds appropriated from the basic health plan trust account, to a managed health care system on behalf of an enrollee and the amount determined to be the enrollee's responsibility under section 8(2) of this act.

(6) "Premium" means a periodic payment, based upon gross family income and determined under section 8(2) of this act, which an enrollee makes to the plan as consideration for enrollment in the plan.

(7) "Rate" means the per capita amount, negotiated by the administrator with and paid to a participating managed health care system, that is based upon the enrollment of enrollees in the plan and in that system.

NEW SECTION. Sec. 5. The basic health plan trust account is hereby established in the state treasury. All funds appropriated for this chapter shall be deposited in the basic health plan trust account and may be expended without further appropriation. Disbursements from other moneys in the account shall be made pursuant to appropriation and upon warrants drawn by the Washington basic health plan administrator. Moneys in the account shall be used exclusively for the purposes of this chapter, including payments to participating managed health care systems on behalf of enrollees in the plan and payment of costs of administering the plan. The earnings on any surplus balances in the basic health plan trust account shall be credited to the account, notwithstanding RCW 43.84.090. After January 1, 1988, the administrator shall not expend or encumber for an ensuing fiscal period amounts exceeding ninety percent of the amounts anticipated to accrue in the account during the fiscal period.

NEW SECTION. Sec. 6. (1) The Washington basic health plan is created as an independent agency of the state. The administrative head and appointing authority of the plan shall be the administrator who shall be appointed by the governor, with the consent of the senate, and shall serve at the pleasure of the governor. The salary for this office shall be set by the governor pursuant to RCW 43.03.040. The administrator shall appoint a medical director. The administrator, medical director, and up to five other employees shall be exempt from the civil service law, chapter 41.06 RCW.

(2) The administrator shall employ such other staff as are necessary to fulfill the responsibilities and duties of the administrator, such staff to be subject to the civil service law, chapter 41.06 RCW. In addition, the administrator may contract with third parties for services necessary to carry out its activities where this will promote economy, avoid duplication of effort, and make best use of available expertise. Any such contractor or consultant shall be prohibited from releasing, publishing, or otherwise using any information made available to it under its contractual responsibility without specific permission of the plan. The administrator may call upon other agencies of the state to provide available information as necessary to assist the

administrator in meeting its responsibilities under this chapter, which information shall be supplied as promptly as circumstances permit.

(3) The administrator may appoint such technical or advisory committees as he or she deems necessary. The administrator shall appoint a standing technical advisory committee that is representative of health care professionals, health care providers, and those directly involved in the purchase, provision, or delivery of health care services, as well as consumers and those knowledgeable of the ethical issues involved with health care public policy. Individuals appointed to any technical or other advisory committee shall serve without compensation for their services as members, but may be reimbursed for their travel expenses pursuant to RCW 43.03.050 and 43.03.060.

(4) The administrator may apply for, receive, and accept grants, gifts, and other payments, including property and service, from any governmental or other public or private entity or person, and may make arrangements as to the use of these receipts, including the undertaking of special studies and other projects relating to health care costs and access to health care.

(5) In the design, organization, and administration of the plan under this chapter, the administrator shall consider the report of the Washington health care project commission established under chapter 303, Laws of 1986. Nothing in this chapter requires the administrator to follow any specific recommendation contained in that report except as it may also be included in this chapter or other law.

NEW SECTION. Sec. 7. The administrator may promulgate and adopt rules consistent with this chapter to carry out the purposes of this chapter. All rules shall be adopted in accordance with chapter 34.04 RCW.

NEW SECTION. Sec. 8. The administrator has the following powers and duties:

(1) To design and from time to time revise a schedule of covered basic health care services, including physician services, inpatient and outpatient hospital services, and other services that may be necessary for basic health care, which enrollees in any participating managed health care system under the Washington basic health plan shall be entitled to receive in return for premium payments to the plan. The schedule of services shall emphasize proven preventive and primary health care, shall include all services necessary for prenatal, postnatal, and well-child care, and shall include a separate schedule of basic health care services for children, eighteen years of age and younger, for those enrollees who choose to secure basic coverage through the plan only for their dependent children. In designing and revising the schedule of services, the administrator shall consider the guidelines for assessing health services under the mandated benefits act of 1984, RCW 48.42.080, and such other factors as the board deems appropriate.

(2) To design and implement a structure of periodic premiums due the board from enrollees that is based upon gross family income, giving appropriate consideration to family size as well as the ages of all family members. The enrollment of children shall not require the enrollment of their parent or parents who are eligible for the plan.

(3) To design and implement a structure of nominal copayments due a managed health care system from enrollees. The structure shall discourage inappropriate enrollee utilization of health care services, but shall not be so costly to enrollees as to constitute a barrier to appropriate utilization of necessary health care services.

(4) To design and implement, in concert with a sufficient number of potential providers in a discrete area, an enrollee financial participation structure, separate from that otherwise established under this chapter, that has the following characteristics:

(a) Nominal premiums that are based upon ability to pay, but not set at a level that would discourage enrollment;

(b) A modified fee-for-services payment schedule for providers;

(c) Coinsurance rates that are established based on specific service and procedure costs and the enrollee's ability to pay for the care. However, coinsurance rates for families with incomes below one hundred twenty percent of the federal poverty level shall be nominal. No coinsurance shall be required for specific proven prevention programs, such as prenatal care. The coinsurance rate levels shall not have a measurable negative effect upon the enrollee's health status; and

(d) A case management system that fosters a provider-enrollee relationship whereby, in an effort to control cost, maintain or improve the health status of the enrollee, and maximize patient involvement in her or his health care decision-making process, every effort is made by the provider to inform the enrollee of the cost of the specific services and procedures and related health benefits.

The potential financial liability of the plan to any such providers shall not exceed in the aggregate an amount greater than that which might otherwise have been incurred by the plan on the basis of the number of enrollees multiplied by the average of the prepaid capitated rates negotiated with participating managed health care systems under section 12 of this act and reduced by any sums charged enrollees on the basis of the coinsurance rates that are established under this subsection.

(5) To limit enrollment of persons who qualify for subsidies so as to prevent an overexpenditure of appropriations for such purposes. Whenever the administrator finds that there is danger of such an overexpenditure, the administrator shall close enrollment until the administrator finds the danger no longer exists.

(6) To adopt a schedule for the orderly development of the delivery of services and availability of the plan to residents of the state, subject to the limitations contained in section 10 of this act.

In the selection of any area of the state for the initial operation of the plan, the administrator shall take into account the levels and rates of unemployment in different areas of the state, the need to provide basic health care coverage to a population reasonably representative of the portion of the state's population that lacks such coverage, and the need for geographic, demographic, and economic diversity.

Before July 1, 1988, the administrator shall endeavor to secure participation contracts with managed health care systems in discrete geographic areas within at least five congressional districts.

(7) To solicit and accept applications from managed health care systems, as defined in this chapter, for inclusion as eligible basic health care providers under the plan. The administrator shall endeavor to assure that covered basic health care services are available to any enrollee of the plan from among a selection of two or more participating managed health care systems. In adopting any rules or procedures applicable to managed health care systems and in its dealings with such systems, the administrator shall consider and make suitable allowance for the need for health care services and the differences in local availability of health care resources, along with other resources, within and among the several areas of the state.

(8) To receive periodic premiums from enrollees, deposit them in the basic health plan operating account, keep records of enrollee status, and authorize periodic payments to managed health care systems on the basis of the number of enrollees participating in the respective managed health care systems.

(9) To accept applications from individuals residing in areas served by the plan, on behalf of themselves and their spouses and dependent children, for enrollment in the Washington basic health plan, to establish appropriate minimum-enrollment periods for enrollees as may be necessary, and to determine, upon application and at least annually thereafter, or at the request of any enrollee, eligibility due to current gross family income for sliding scale premiums. An enrollee who remains current in payment of the sliding-scale premium, as determined under subsection (2) of this section, and whose gross family income has risen above twice the federal poverty level, may continue enrollment unless and until the enrollee's gross family income has remained above twice the poverty level for six consecutive months, by making payment at the unsubsidized rate required for the managed health care system in which he or she may be enrolled. No subsidy may be paid with respect to any enrollee whose current gross family income exceeds twice the federal poverty level or, subject to section 13 of this act, who is a recipient of medical assistance or medical care services under chapter 74.09 RCW. If a number of enrollees drop their enrollment for no apparent good cause, the administrator may establish appropriate rules or requirements that are applicable to such individuals before they will be allowed to re-enroll in the plan.

(10) To require that prospective enrollees who may be eligible for categorically needy medical coverage under RCW 74.09.510 or whose income does not exceed the medically needy income level under RCW 74.09.700 apply for such coverage, but the administrator shall enroll the individuals in the plan pending the determination of eligibility under chapter 74.09 RCW.

(11) To determine the rate to be paid to each participating managed health care system in return for the provision of covered basic health care services to enrollees in the system. Although the schedule of covered basic health care services will be the same for similar enrollees, the rates negotiated with participating managed health care systems may vary among the systems. In negotiating rates with participating systems, the administrator shall consider the characteristics of the populations served by the respective systems, economic circumstances of the local area, the need to conserve the resources of the basic health plan trust account, and other factors the administrator finds relevant.

(12) To monitor the provision of covered services to enrollees by participating managed health care systems in order to assure enrollee access to good quality basic health care, to require periodic data reports concerning the utilization of health care services rendered to enrollees in order to provide adequate information for evaluation, and to inspect the books and records of participating managed health care systems to assure compliance with the purposes of this chapter. In requiring reports from participating managed health care systems, including data on services rendered enrollees, the administrator shall endeavor to minimize costs, both to the managed health care systems and to the administrator. The administrator shall coordinate any such reporting requirements with other state agencies, such as the insurance commissioner and the hospital commission, to minimize duplication of effort.

(13) To monitor the access that state residents have to adequate and necessary health care services, determine the extent of any unmet needs for such services or lack of access that may



exist from time to time, and make such reports and recommendations to the legislature as the administrator deems appropriate.

(14) To evaluate the effects this chapter has on private employer-based health care coverage and to take appropriate measures consistent with state and federal statutes that will discourage the reduction of such coverage in the state.

(15) To develop a program of proven preventive health measures and to integrate it into the plan wherever possible and consistent with this chapter.

(16) To provide, consistent with available resources, technical assistance for rural health activities that endeavor to develop needed health care services in rural parts of the state.

**NEW SECTION, Sec. 9.** The benefits available under the plan shall be subject to RCW 48.21-.200 and shall be excess to the benefits payable under the terms of any insurance policy issued to or on the behalf of an enrollee that provides payments toward medical expenses without a determination of liability for the injury.

**NEW SECTION, Sec. 10.** On and after July 1, 1988, the administrator shall accept for enrollment applicants eligible to receive covered basic health care services from the respective managed health care systems which are then participating in the plan. The administrator shall not allow the total enrollment of those eligible for subsidies to exceed thirty thousand.

Thereafter, total enrollment shall not exceed the number established by the legislature in any act appropriating funds to the plan.

Before July 1, 1988, the administrator shall endeavor to secure participation contracts from managed health care systems in discrete geographic areas within at least five congressional districts of the state and in such manner as to allow residents of both urban and rural areas access to enrollment in the plan. The administrator shall make a special effort to secure agreements with health care providers in one such area that meets the requirements set forth in section 8(4) of this act.

The administrator shall at all times closely monitor growth patterns of enrollment so as not to exceed that consistent with the orderly development of the plan as a whole, in any area of the state or in any participating managed health care system.

**NEW SECTION, Sec. 11.** Any enrollee whose premium payments to the plan are delinquent or who moves his or her residence out of an area served by the plan may be dropped from enrollment status. An enrollee whose premium is the responsibility of the department of social and health services under section 13 of this act may not be dropped solely because of nonpayment by the department. The administrator shall provide delinquent enrollees with advance written notice of their removal from the plan and shall provide for a hearing under chapters 34.04 and 34.12 RCW for any enrollee who contests the decision to drop the enrollee from the plan. Upon removal of an enrollee from the plan, the administrator shall promptly notify the managed health care system in which the enrollee has been enrolled, and shall not be responsible for payment for health care services provided to the enrollee (including, if applicable, members of the enrollee's family) after the date of notification. A managed health care system may contest the denial of payment for coverage of an enrollee through a hearing under chapters 34.04 and 34.12 RCW.

**NEW SECTION, Sec. 12.** Managed health care systems participating in the plan shall do so by contract with the administrator and shall provide, directly or by contract with other health care providers, covered basic health care services to each enrollee as long as payments from the administrator on behalf of the enrollee are current. A participating managed health care system may offer, without additional cost, health care benefits or services not included in the schedule of covered services under the plan. A participating managed health care system shall not give preference in enrollment to enrollees who accept such additional health care benefits or services. Managed health care systems participating in the plan shall not discriminate against any potential or current enrollee based upon health status, sex, race, ethnicity, or religion. The administrator may receive and act upon complaints from enrollees regarding failure to provide covered services or efforts to obtain payment, other than authorized copayments, for covered services directly from enrollees, but nothing in this chapter empowers the administrator to impose any sanctions under Title 18 RCW or any other professional or facility licensing statute.

The plan shall allow, at least annually, an opportunity for enrollees to transfer their enrollments among participating managed health care systems serving their respective areas. The administrator shall establish a period of at least twenty days in a given year when this opportunity is afforded enrollees, and in those areas served by more than one participating managed health care system the administrator shall endeavor to establish a uniform period for such opportunity. The plan shall allow enrollees to transfer their enrollment to another participating managed health care system at any time upon a showing of good cause for the transfer.

Any contract between a hospital and a participating managed health care system under this chapter is subject to the requirements of RCW 70.39.140(1) regarding negotiated rates.

Prior to negotiating with any managed health care system, the administrator shall determine, on an actuarially sound basis, the reasonable cost of providing the schedule of basic health care services, expressed in terms of upper and lower limits, and recognizing variations

in the cost of providing the services through the various systems and in different areas of the state. In negotiating with managed health care systems for participation in the plan, the administrator shall adopt a uniform procedure that includes at least the following:

(1) The administrator shall issue a request for proposals, including standards regarding the quality of services to be provided; financial integrity of the responding systems; and responsiveness to the unmet health care needs of the local communities or populations that may be served;

(2) The administrator shall then review responsive proposals and may negotiate with respondents to the extent necessary to refine any proposals;

(3) The administrator may then select one or more systems to provide the covered services within a local area; and

(4) The administrator may adopt a policy that gives preference to respondents, such as nonprofit community health clinics, that have a history of providing quality health care services to low-income persons.

**NEW SECTION, Sec. 13.** The department of social and health services shall make periodic payments to the administrator as an agent for the participating managed health care systems on behalf of any enrollee who is a recipient of medical assistance, medical care-limited casualty program, or medical care services under chapter 74.09 RCW, at the maximum rate allowable for federal matching purposes under Title XIX of the social security act, but not to exceed the rate negotiated by the administrator with the participating managed health care system for the services covered by the plan, and no premium or copayment may be charged to such an enrollee. Any enrollee on whose behalf the department of social and health services makes payments to the administrator under this section and chapter 74.09 RCW may continue as an enrollee, making premium payments based on the enrollee's own income as determined under the sliding scale, after eligibility for coverage under chapter 74.09 RCW has ended, as long as the enrollee remains eligible under this chapter. Nothing in this section affects the right of any person eligible for coverage under chapter 74.09 RCW to receive the services offered to other persons under that chapter but not included in the schedule of basic health care services covered by the plan. The administrator and the department of social and health services shall cooperatively adopt procedures to facilitate the transition of plan enrollees and payments on their behalf between the plan and the programs established under chapter 74.09 RCW.

**NEW SECTION, Sec. 14.** In addition to the powers and duties specified in sections 6 and 8 of this act, the administrator has the power to enter into contracts for the following functions and services:

(1) With public or private agencies, to assist the administrator in her or his duties to design or revise the schedule of covered basic health care services, and/or to monitor or evaluate the performance of participating managed health care systems.

(2) With public or private agencies, to provide technical or professional assistance to health care providers, particularly public or private nonprofit organizations and providers serving rural areas, who show serious intent and apparent capability to participate in the plan as managed health care systems.

(3) With public or private agencies, including health care service contractors registered under RCW 48.44.015, and doing business in the state, for marketing and administrative services in connection with participation of managed health care systems, enrollment of enrollees, billing and collection services to the administrator, and other administrative functions ordinarily performed by health care service contractors, other than insurance. Any activities of a health care service contractor pursuant to a contract with the administrator under this section shall be exempt from the provisions and requirements of Title 48 RCW.

**NEW SECTION, Sec. 15.** The activities and operations of the Washington basic health plan under this chapter, including those of managed health care systems to the extent of their participation in the plan, are exempt from the provisions and requirements of Title 48 RCW, except as provided in section 9 of this act.

**NEW SECTION, Sec. 16.** A new section is added to chapter 50.20 RCW to read as follows:

The commissioner shall notify any person filing a claim under this chapter who resides in a local area served by the Washington basic health plan of the availability of basic health care coverage to qualified enrollees in the Washington basic health plan under chapter 70.-- RCW (sections 1 through 15 of this act), unless the Washington basic health plan administrator has notified the commissioner of a closure of enrollment in the area. The commissioner shall maintain a supply of Washington basic health plan enrollment application forms, which shall be provided in reasonably necessary quantities by the administrator, in each appropriate employment service office for the use of persons wishing to apply for enrollment in the Washington basic health plan.

**NEW SECTION, Sec. 17.** A new section is added to chapter 51.28 RCW to read as follows:

The director shall notify persons receiving time-loss payments under this chapter of the availability of basic health care coverage to qualified enrollees under chapter 70.-- RCW (sections 1 through 15 of this act), unless the Washington basic health plan administrator has notified the director of closure of enrollment in the plan. The director shall maintain supplies of Washington basic health plan enrollment application forms in all field service offices where the

plan is available, which shall be provided in reasonably necessary quantities by the administrator for the use of persons wishing to apply for enrollment in the Washington basic health plan.

**NEW SECTION.** Sec. 18. A new section is added to chapter 74.04 RCW to read as follows:

The department shall notify any applicant for public assistance who resides in a local area served by the Washington basic health plan and is under sixty-five years of age of the availability of basic health care coverage to qualified enrollees in the Washington basic health plan under chapter 70.-- RCW (sections 1 through 15 of this act), unless the Washington basic health plan administrator has notified the department of a closure of enrollment in the area. The department shall maintain a supply of Washington basic health plan enrollment application forms, which shall be provided in reasonably necessary quantities by the administrator, in each appropriate community service office for the use of persons wishing to apply for enrollment in the Washington basic health plan.

**NEW SECTION.** Sec. 19. The Washington basic health plan administrator shall be appointed and commence operations as promptly as practicable after the effective date of this section. Not later than January 1, 1988, the administrator shall submit to the legislature a progress report including:

- (1) The schedule of covered basic health care services adopted under section 8 of this act;
- (2) A descriptive listing of managed health care systems expected to participate in the Washington basic health plan, along with an identification of prospective local areas for initial participation in the plan;
- (3) The approximate amount of funds estimated to be on deposit in the basic health plan trust account as of March 31 and June 30, 1988;
- (4) A description of the sliding fee schedule for enrollee premium payments and copayments adopted by the administrator under section 8 of this act;
- (5) An evaluation of the financial viability of rural hospitals and the availability of necessary health care services in such areas, based upon any contacts or negotiations either the administrator or staff may have had with providers in rural areas of the state, together with any specific recommendations they may wish to make;
- (6) Any proposals for statutory changes which the administrator deems necessary to implement the purposes of this chapter; and
- (7) Any other information which the administrator deems appropriate.

Not later than January 1, 1989, the administrator shall submit to the legislature a further progress report, updating its 1988 report, and covering the same items provided for therein, with projections based upon implementation of the plan to date. Further, the report shall include a description of the performance of the first managed health care systems included as eligible providers as provided in section 10 of this act. The administrator shall submit an annual report to the legislature by January 1 of each year thereafter.

**NEW SECTION.** Sec. 20. A new section is added to chapter 74.09 RCW to read as follows:

(1) The department of social and health services shall, to the extent that funds are specifically appropriated for this purpose, provide matching grants on a one-to-one state/local basis to hospitals that are designated by the hospital commission as meeting all of the following criteria:

- (a) Providing an amount of charity care equal to or greater than two hundred fifty percent of the state average;
- (b) A tertiary care center; and
- (c) Providing ten percent of the tertiary care to patients from outside the county in which the hospital is located.

(2) Grants shall be allocated to eligible hospitals based on the hospital's relative amount of charity care.

(3) Local matching funds shall be from a nonrate-setting revenue source as defined by the hospital commission.

(4) The department shall seek matching federal Title XIX medicaid funds pursuant to the "disproportionate share" provisions of the federal social security act. If necessary to obtain federal funds, the department may use the following provision in lieu of those set forth in subsections (1), (2), and (3) of this section: A hospital is eligible for a grant if it is designated by the hospital commission as having medical assistance charges exceeding twenty percent of the hospital's total rate-setting revenue during the preceding calendar year.

Sec. 21. Section 2, chapter 303, Laws of 1986 and RCW 74.09.522 are each amended to read as follows:

(1) For the purposes of this section, "managed health care system" means any health care organization, including health care providers, insurers, health care service contractors, health maintenance organizations, health insuring organizations, or any combination thereof, that provides directly or by contract health care services covered under RCW 74.09.520 and rendered by licensed providers, on a prepaid capitated case management basis and that meets the requirements of section 1903(m)(1)(A) of Title XIX of the federal social security act.

(2) No later than July 1, ~~((1991))~~ 1989, the department of social and health services shall enter into agreements with managed health care systems to provide health care services to recipients of aid to families with dependent children under the following conditions:

(a) Agreements shall be made within one class A county in the eastern part of the state for at least ten thousand recipients; and one class AA county for at least fifteen thousand recipients in the western part of the state; and one first class county of at least five thousand recipients in the western part of the state;

(b) At least one of the agreements shall include enrollment of all recipients of aid to families with dependent children residing in a defined geographical area;

(c) ~~((The department shall, to the extent possible, ensure that recipients have a choice of systems in which to enroll and, if necessary and medically appropriate treatment for a recipient is not available from or through a participating managed health care system, the department shall exempt the recipient from any requirement to receive some or all of their medical services from such a system))~~ To the extent that this provision is consistent with section 1903(m) of Title XIX of the federal social security act, recipients shall have a choice of systems in which to enroll and shall have the right to terminate their enrollment in a system: PROVIDED, That the department may limit recipient termination of enrollment without cause to the first month of a period of enrollment, which period shall not exceed six months: AND PROVIDED FURTHER, That the department shall not restrict a recipient's right to terminate enrollment in a system for cause;

(d) To the extent ~~((possible, the department shall ensure that participating managed health care systems do not enroll a disproportionate number of medical assistance recipients within the total numbers of persons served by the managed health care systems))~~ that this provision is consistent with section 1903(m) of Title XIX of the federal social security act, participating managed health care systems shall not enroll a disproportionate number of medical assistance recipients within the total numbers of persons served by the managed health care systems, except that this subsection (d) shall not apply to entities described in subparagraph (B) of section 1903(m) of Title XIX of the federal social security act;

(e) Prior to negotiating with any managed health care system, the department shall estimate, on an actuarially sound basis, the expected cost of providing the health care services expressed in terms of upper and lower limits, and recognizing variations in the cost of providing the services through the various systems and in different project areas. In negotiating with managed health care systems the department shall adopt a uniform procedure that includes at least request for proposals, including standards regarding the quality of services to be provided; and financial integrity of the responding system. The department may negotiate with respondents to the extent necessary to refine any proposals;

(f) The department shall seek waivers from federal requirements as necessary to implement this chapter;

(g) The department shall, wherever possible, enter into prepaid capitation contracts that include inpatient care. However, if this is not possible or feasible, the department may enter into prepaid capitation contracts that do not include inpatient care;

(h) The department shall define those circumstances under which a managed health care system is responsible for out-of-system services and assure that recipients shall not be charged for such services; and

(i) Nothing in this section prevents the department from entering into similar agreements in additional counties or for other groups of people eligible to receive services under chapter 74.09 RCW.

(3) The department shall seek to obtain a large number of contracts with providers of health services to medicaid recipients. The department shall ensure that publicly supported community health centers and providers in rural areas, who show serious intent and apparent capability to participate in the project as managed health care systems are seriously considered as providers in the project. The department shall coordinate these projects with the plans developed under chapter 70. — RCW (sections 1 through 15 of this 1987 act).

~~((3))~~ (4) The department shall work jointly with the state of Oregon and other states in this geographical region in order to develop recommendations to be presented to the appropriate federal agencies and the United States congress for improving health care of the poor, while controlling related costs.

Sec. 22. Section 3, chapter 303, Laws of 1986 (uncodified) is amended to read as follows:

The department shall report to the legislature not later than January 1, ~~((1987))~~ 1988, on progress toward implementation of the requirements of ~~((this))~~ chapter 303, Laws of 1986, but shall not delay implementation on account of this reporting requirement.

The report shall also include an analysis of the possible expansion of the use of managed health care within other medical assistance programs, including making it available to certain recipients of general assistance and supplemental security income.

NEW SECTION. Sec. 23. Sections 1 through 15 of this act shall constitute a new chapter in Title 70 RCW.

NEW SECTION. Sec. 24. A new section is added to chapter 43.131 RCW to read as follows:

The Washington basic health plan board and its powers and duties shall be terminated on June 30, 1992, as provided in section 26 of this act.

**NEW SECTION.** Sec. 25. 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 1 of this act and RCW 70.....;
- (2) Section 2 of this act and RCW 70.....;
- (3) Section 3 of this act and RCW 70.....;
- (4) Section 4 of this act and RCW 70.....;
- (5) Section 5 of this act and RCW 70.....;
- (6) Section 6 of this act and RCW 70.....;
- (7) Section 7 of this act and RCW 70.....;
- (8) Section 8 of this act and RCW 70.....;
- (9) Section 9 of this act and RCW 70.....;
- (10) Section 10 of this act and RCW 70.....;
- (11) Section 11 of this act and RCW 70.....;
- (12) Section 12 of this act and RCW 70.....;
- (13) Section 13 of this act and RCW 70.....;
- (14) Section 14 of this act and RCW 70.....;
- (15) Section 15 of this act and RCW 70.....;
- (16) Section 16 of this act and RCW 50.20.....;
- (17) Section 17 of this act and RCW 51.28.....; and
- (18) Section 18 of this act and RCW 74.04.....

**NEW SECTION.** Sec. 26. 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. 27. 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 Senator McDermott, the following title amendment was adopted:

On page 1, line 1 of the title, after "care;" strike the remainder of the title and insert "amending RCW 74.09.522; amending section 3, chapter 303, Laws of 1986 (uncodified); adding new sections to chapter 43.131 RCW; adding a new section to chapter 50.20 RCW; adding a new section to chapter 51.28 RCW; adding a new section to chapter 74.04 RCW; adding a new section to chapter 74.09 RCW; adding a new chapter to Title 70 RCW; creating new sections; and declaring an emergency."

MOTION

On motion of Senator McDermott, the rules were suspended, Engrossed Second Substitute House Bill No. 477, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Deccio: "Senator McDermott, just for the record, this does not contain any of the medicaid language that the House, at one time, wanted in the bill?"

Senator McDermott: "It does not."

The President declared the question before the Senate to be the roll call on final passage of Engrossed Second Substitute House Bill No. 477, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Second Substitute House Bill No. 477, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 36; nays, 8; absent, 5.

Voting yea: Senators Anderson, Bailey, Bauer, Bender, Bluechel, Bottiger, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson, Kreidler, McDermott, Metcalf, Nelson, Newhouse, Owen, Peterson, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vogt, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 36.

Voting nay: Senators Barr, Benitz, Cantu, Craswell, Hayner, McCaslin, McDonald, Rasmussen - 8.

Absent: Senators Kiskaddon, Lee, Moore, Patterson, Pullen - 5.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 477, 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.

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

#### THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 6055, by Committee on Ways and Means (originally sponsored by Senators Owen and Lee)

Authorizing the office of financial management to review and revise capital budget plans.

#### MOTION

On motion of Senator Bottiger, the rules were suspended, Engrossed Substitute Senate Bill No. 6055 was returned to second reading and read the second time.

#### MOTION

At 3:57 p.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 4:22 p.m. by President Cherberg

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

#### MESSAGE FROM THE HOUSE

May 17, 1987

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6016, and the same is herewith transmitted.

SHARON CASE, Assistant Chief Clerk

#### SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 6016.

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

There being no objection, the Senate resumed consideration of Engrossed Substitute Senate Bill No. 6055, deferred on second reading earlier today.

#### POINT OF ORDER

Senator Gaspard: "Mr. President, a point of order. Would you rule if this bill is properly before us? It was my understanding that the cut-off resolution that was passed by both Houses--Senate Concurrent Resolution No. 8416 established both cut-off dates and subject matter to be considered, which would be items related to the budget or implementing the budget. I do not see how this bill is necessary for implementing the budget."

Further Debate ensued.

#### RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Gaspard, the President finds that Engrossed Substitute Senate Bill No. 6055 is a measure authorizing the Office of Financial Management to review and revise capital budget plans after July 1, 1987.

"The President further finds that Senate Concurrent Resolution No. 8416 states the purpose of this First Special Session to be 'exclusively for the consideration of budgets and matters necessary to implement budgets.'

"The President believes that Engrossed Substitute Senate Bill No. 6055 is not a matter necessary to implement budgets. Therefore, Engrossed Substitute Senate Bill No. 6055 is not properly before the Senate and the point of order is well taken."

ENGROSSED SUBSTITUTE SENATE BILL NO. 6055 was ruled out of order.

## MOTION

At 4:26 p.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 10:22 p.m. by President Cherberg.

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

## MESSAGES FROM THE HOUSE

May 17, 1987

MR. PRESIDENT:

The House has adopted ENGROSSED SENATE CONCURRENT RESOLUTION NO. 8413, and the same is herewith transmitted.

SHARON CASE, Assistant Chief Clerk

May 17, 1987

MR. PRESIDENT:

The House has passed ENGROSSED HOUSE BILL NO. 1239, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

May 17, 1987

MR. PRESIDENT:

The House has adopted ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 4418, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

May 17, 1987

MR. PRESIDENT:

The House has adopted HOUSE CONCURRENT RESOLUTION NO. 4422, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

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

## INTRODUCTION AND FIRST READING OF HOUSE BILLS

EHB 1239 by Representative Grimm

Relating to fiscal matters.

Hold.

EHCR 4418 by Representatives Wang, Patrick, Cole, Miller, Hine, Allen, R. King, Brough and Grimm

Creating a select committee on employment and the family.

Hold.

HCR 4422 by Representatives McMullen and Brough

Providing procedures for the convening of a special session by the legislature.

Hold.

## MOTION

On motion of Senator Vognild, the rules were suspended, Engrossed House Bill No. 1239, Engrossed House Concurrent Resolution No. 4418 and House Concurrent Resolution No. 4422 were advanced to second reading and placed on the second reading calendar.

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

## MESSAGE FROM THE HOUSE

May 17, 1987

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6076 with the following amendment, and the bill and the amendment are herewith transmitted.

SHARON CASE, Assistant Chief Clerk

Strike everything after the enacting clause and insert the following:

**NEW SECTION, Sec. 1.** The transportation budget of the state is hereby adopted and, subject to the provisions hereinafter set forth, the several amounts hereinafter specified, or so much thereof as may be necessary to accomplish the purposes designated, are hereby appropriated from the several accounts and funds hereinafter named to the designated state agencies and offices for salaries, wages, and other expenses, for capital projects, and for other specified purposes, including the payment of any final judgments arising out of such activities, for the period ending June 30, 1989.

**NEW SECTION, Sec. 2. FOR THE TRAFFIC SAFETY COMMISSION**

Highway Safety Fund Appropriation—State .....	\$	310,449
Highway Safety Fund Appropriation—Federal .....		4,190,574
Total Appropriation .....	\$	4,501,023

**NEW SECTION, Sec. 3. FOR THE RAIL DEVELOPMENT COMMISSION**

Rail Development Account .....	\$	300,000
--------------------------------	----	---------

The appropriation in this section is subject to the following conditions and limitations: If House Bill No. 1034 is not enacted by July 1, 1987, the appropriation in this section shall be from the general fund.

**NEW SECTION, Sec. 4. FOR THE BOARD OF PILOTAGE COMMISSIONERS**

General Fund—Pilotage Account Appropriation .....	\$	101,533
---	----	---------

**NEW SECTION, Sec. 5. FOR THE COUNTY ROAD ADMINISTRATION BOARD**

Motor Vehicle Fund—Rural Arterial Trust Account Appropriation .....		21,434,298
Motor Vehicle Fund Appropriation .....	\$	942,041
Total Appropriation .....	\$	22,376,339

**NEW SECTION, Sec. 6. FOR THE URBAN ARTERIAL BOARD**

Motor Vehicle Fund—Urban Arterial Trust Account Appropriation .....	\$	61,487,000
---	----	------------

The appropriation includes \$40,000,000 from the proceeds of the sale of Series III Urban Arterial bonds provided for by RCW 47.26.420 through 47.26.427.

**NEW SECTION, Sec. 7. FOR THE STATE PATROL—FIELD OPERATIONS BUREAU**

Motor Vehicle Fund—State Patrol Highway Account Appropria- tion—State .....	\$	94,005,256
Motor Vehicle Fund—State Patrol Highway Account Appropria- tion—Federal .....	\$	2,733,175
Motor Vehicle Fund Appropriation .....	\$	463,045
Total Appropriation .....	\$	97,201,476

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section include \$675,000 for the sole purpose of providing additional commercial vehicle enforcement officers.

(2) The appropriations in this section include \$498,664 for the sole purpose of providing twelve additional traffic troopers, effective January 1, 1989.

**NEW SECTION, Sec. 8. FOR THE STATE PATROL—SUPPORT SERVICES BUREAU**

Motor Vehicle Fund—State Patrol Highway Account Appropriation .....	\$	41,564,153
---	----	------------

The appropriation in this section is subject to the following conditions and limitations:

(1) \$4,310,000 is provided solely for implementation of the second phase of the patrol information collection system.

(2) \$150,000 is provided solely for a study of and development of curriculum for a safety education program in consultation with the superintendent of public instruction and the traffic safety commission.

(3) \$750,000 of the appropriation is provided solely for implementation of a safety education program and shall not be expended prior to July 1, 1988.

(4) The appropriation in this section includes \$131,400 for the sole purpose of providing necessary staff to conduct required labor negotiations.

**NEW SECTION, Sec. 9. FOR THE DEPARTMENT OF LICENSING—VEHICLE SERVICES**

Motor Vehicle Fund Appropriation .....	\$	37,125,323
Game Fund Appropriation .....	\$	393,894
Total Appropriation .....	\$	37,519,217

The appropriations in this section are subject to the following conditions and limitations:

(1) \$5,005,000 of the motor vehicle fund appropriation is provided solely for the completion of the county auditor automation project.

(2) If Substitute House Bill No. 196 is not enacted by July 1, 1987, the motor vehicle fund appropriation shall be reduced by \$216,175.

(3) \$28,198 is provided for implementation of Engrossed House Bill No. 559 (chapter 175, Laws of 1987).



(4) \$1,474,488 is provided within the vehicle service appropriation for expansion of the curbstone program (chapter 241, Laws of 1986). No moneys may be expended beyond the funding source revenues.

**NEW SECTION, Sec. 10. FOR THE DEPARTMENT OF LICENSING—DRIVER SERVICES**

General Fund—Public Safety and Education Account Appropriation	\$	3,352,618
Highway Safety Fund Appropriation	\$	30,866,231
Highway Safety Fund—Motorcycle Safety Education Account Appropriation	\$	265,014
Total Appropriation	\$	34,483,863

The appropriations in this section are subject to the following conditions and limitations:

(1) If House Bill No. 196 is not enacted by July 1, 1987, the highway safety fund appropriation is reduced by \$72,686.

(2) The department shall participate in the establishment of uniform rules for all commercial drivers, including special rules for training and testing of hazardous material drivers in compliance with the federal motor carrier safety act of 1986.

(3) \$286,909 is appropriated from the highway safety fund appropriation to implement section 5 of Engrossed Substitute Senate Bill No. 5850, if enacted.

(4) Revenues which accrue to the public safety and education account in the state treasury in excess of the March, 1987 forecast as approved by the economic and revenue forecast council shall be transferred to and deposited in the highway safety fund at the end of each fiscal year.

**NEW SECTION, Sec. 11. FOR THE DEPARTMENT OF LICENSING—MANAGEMENT OPERATIONS**

Game Fund Appropriation	\$	7,256
Highway Safety Fund Appropriation	\$	6,619,625
Motor Vehicle Fund Appropriation	\$	3,785,108
Total Appropriation	\$	10,411,989

The appropriations in this section are subject to the following conditions and limitations:

(1) Appropriated in this section is an amount necessary for the department of licensing and the legislative transportation committee to conduct an organizational study of the vehicle and drivers' services related activities of the department by a management consultant. This study shall consider and recommend changes necessary to implement cost centers necessary for management control and legislative oversight of the appropriations and expenditures of the department.

(2) In the collection of motor vehicle license fees and excise taxes, the department shall collect data in sufficient detail to ensure the correct allocation of revenues between the motor vehicle fund and other funds and to provide an accurate data base to support revenue forecasting. Such data shall include but not be limited to vehicle weight distributions corresponding to combined licensing fee revenues. If the department finds that it is not cost effective to achieve these objectives with the existing data collection and reporting system, it shall undertake a study to determine feasible alternatives. The department shall report the results of this study, including its recommended alternative, to the legislative transportation committee and the office of financial management not later than November, 1987 and obtain approval from the legislative transportation committee and the office of financial management prior to the implementation of any alternative.

**NEW SECTION, Sec. 12. FOR THE DEPARTMENT OF LICENSING—INFORMATION SYSTEMS**

Game Fund Appropriation	\$	4,114
Highway Safety Fund Appropriation	\$	4,985,809
Motor Vehicle Fund Appropriation	\$	14,056,507
Total Appropriation	\$	19,046,430

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,956,000, of which \$978,000 is from the motor vehicle fund appropriation and \$978,000 is from the highway safety fund appropriation is provided for the vehicle/driver integration project.

(2) \$32,259 is provided for implementation of Engrossed House Bill No. 559 (chapter 175, Laws of 1987).

(3) If House Bill No. 196 is not enacted by July 1, 1987, the motor vehicle fund appropriation is reduced by \$23,269.

**NEW SECTION, Sec. 13. FOR THE LEGISLATIVE TRANSPORTATION COMMITTEE**

Motor Vehicle Fund Appropriation	\$	2,209,000
----------------------------------	----	-----------

**NEW SECTION, Sec. 14. FOR THE MARINE EMPLOYEES COMMISSION**

Ferry System Fund Appropriation	\$	250,600
Motor Vehicle Fund—Puget Sound Ferry Operations Account Appropriation	\$	107,400
Total Appropriation	\$	358,000

The appropriations in this section are subject to the following conditions and limitations:

(1) In the conduct of the commission's responsibility not specified in RCW 47.64.220, the legislature has determined that its requirement to appropriate all marine division operating expenditures necessitates certain advisory information. This advisory information pertains to the salary and benefit levels provided marine employees in relation to that level the marine employees commission recommends as appropriate. Such recommendations shall be submitted to the governor and legislature by September 1, 1988.

(2) No more than \$50,000 shall be used to employ a consulting authority in personnel survey procedures who shall evaluate existing salary survey limitations and procedures and who shall (a) develop revised procedures necessary to permit an expanded, viable survey, and (b) develop necessary statutory language changes to permit implementation of such recommended procedures. This study shall be submitted to the legislature and the governor prior to September 1, 1988. In the event the costs are less than \$50,000, such moneys shall revert to the respective funds.

**NEW SECTION, Sec. 15. FOR THE TRANSPORTATION COMMISSION**

General Fund—Aeronautics Account Appropriation .....	\$	1,019
General Fund Appropriation .....	\$	1,651
Motor Vehicle Fund—Puget Sound Capital Construction Account Appropriation .....	\$	23,633
Ferry System Fund Appropriation .....	\$	34,065
Motor Vehicle Fund—Puget Sound Ferry Operations Account Appropriation .....	\$	14,599
Motor Vehicle Fund Appropriation .....	\$	419,130
Total Appropriation .....	\$	494,097

**NEW SECTION, Sec. 16. FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY CONSTRUCTION—PROGRAM A**

Motor Vehicle Fund Appropriation—State .....	\$	108,000,000
Motor Vehicle Fund Appropriation—Federal .....	\$	80,000,000
Motor Vehicle Fund Appropriation—Local .....	\$	2,000,000
Total Appropriation .....	\$	190,000,000

The appropriations in this section are provided for the location, design, right of way, and construction of state highway projects designated as category "A" under RCW 47.05.030: PROVIDED, That none of the funds in this section may be used for a study of the possible widening of the Portage Bay Bridge.

**NEW SECTION, Sec. 17. FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY CONSTRUCTION—PROGRAM B**

Motor Vehicle Fund Appropriation—State .....	\$	57,000,000
Motor Vehicle Fund Appropriation—Federal .....	\$	509,000,000
Motor Vehicle Fund Appropriation—Local .....	\$	4,000,000
Total Appropriation .....	\$	570,000,000

The appropriations in this section are provided for the location, design, right of way, and construction of state highway projects on the interstate system designated as category "B" under RCW 47.05.030. The appropriations in this section are subject to the following conditions and limitations:

(1) The motor vehicle fund—state appropriation of \$57,000,000 includes \$37,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.790, for state matching funds for the construction of SR 90 from SR 5 to SR 405, and \$20,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.801: PROVIDED, That the transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(2) If federal discretionary funds are made available to the state, the motor vehicle fund—state appropriation is increased proportionally to provide matching state funds from the sale of bonds authorized by RCW 47.10.801 and 47.10.790 not to exceed \$10,000,000 and it is understood that the department shall seek unanticipated receipts for the federal portion.

(3) The department shall develop a design plan using federal discretionary funds made available under subsection (2) above to develop a design plan, prior to the completion of the I-90 project, that accommodates access to and from I-90 for those neighborhoods listed in the Washington State Transportation Commission Resolution No. 296; which design is consistent with the existing I-90 design and which can be constructed upon completion of the present I-90 project.

(4) It is further recognized that the department may make use of federal cash flow obligations on interstate construction contracts in order to complete the interstate highway system as expeditiously as possible.

**NEW SECTION, Sec. 18. FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY CONSTRUCTION—PROGRAM C**

Motor Vehicle Fund Appropriation—State .....	\$	106,000,000
Motor Vehicle Fund Appropriation—Local .....	\$	2,000,000
Total Appropriation .....	\$	108,000,000

The appropriations in this section are provided for the location, design, right of way, and construction of state highway projects designated as category "C" under RCW 47.05.030.

The motor vehicle fund—state appropriation will be funded with the proceeds from the sale of bonds authorized in RCW 47.10.801 in the amount of \$106,000,000: PROVIDED, That the transportation commission in consultation with the legislative transportation committee may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

The transportation commission shall adjust its list of category "C" projects to include only those projects that can be accomplished within the moneys provided in this appropriation.

It is the intent of the legislature that no moneys shall be expended on projects that are not included on the transportation commission's funded priority list for the 1987-89 biennium. It is further the intent of the legislature that the category "A" and "H" programs take precedence over category "C" projects and that the category "A" and "H" programs be fully funded in the 1989-91 biennium to the exclusion of category "C" projects as required under chapter 47.05 RCW.

It is the intent of the legislature that the maximum amount of state motor vehicle funds not required for other purposes be made available for category "C" program expenditures.

The department shall identify those amounts which may become available for category "C" expenditures due to underexpenditures of state motor vehicle fund appropriations at the close of the 1985-87 biennium, revenue projections which exceed current estimates, or cost savings due to efficiencies effected in other programs. Amounts so identified shall be included in the department's 1988 supplemental budget request for category "C" expenditures.

**NEW SECTION, Sec. 19. FOR THE DEPARTMENT OF TRANSPORTATION—CONSTRUCTION MANAGEMENT AND SUPPORT—PROGRAM D**

Motor Vehicle Fund Appropriation ..... \$ 35,168,228

The appropriation in this section is subject to the following conditions and limitations:

(1) \$3,000,000 of the motor vehicle fund—state appropriation, or so much thereof as may be required, is provided to fund the study required by Senate Concurrent Resolution No. 130 adopted by the 1983 legislature and provided for under RCW 46.68.110 and 46.68.120 of city, county, and state highway needs in relation to current statutory distributions of motor vehicle fuel taxes, other state and local highway revenue sources, and alternatives for financing long-term highway needs, and for other studies.

(2) The legislative transportation committee and the department of transportation shall conduct a review of the capital facilities needs study, which review shall be funded from the maintenance program appropriation. The results shall be presented to the 1988 legislature.

**NEW SECTION, Sec. 20. FOR THE DEPARTMENT OF TRANSPORTATION—AERONAUTICS—PROGRAM F**

General Fund—Aeronautics Account Appropriation—State .....	\$	2,192,803
General Fund—Aeronautics Account Appropriation—Federal .....	\$	862,725
Total Appropriation .....	\$	3,055,528

The appropriations in this section are provided for management and support of the aeronautics division, state fund grants to local airports, development and maintenance of a state-wide airport system plan, maintenance of state-owned emergency airports, federal inspections, and the search and rescue program. The aeronautics account—state appropriation contains \$100,000 for transfer to the motor vehicle fund as the second of four installments in repayment of the \$407,430 advanced to pay the tort settlement in the case of Osibov vs. the state of Washington, Spokane county superior court, Cause No. 239168.

**NEW SECTION, Sec. 21. FOR THE DEPARTMENT OF TRANSPORTATION—SEARCH AND RESCUE—PROGRAM F**

General Fund—Search and Rescue Account Appropriation ..... \$ 110,000

The appropriation in this section is provided for directing and conducting searches for missing, downed, overdue, or presumed downed general aviation aircraft; for safety and education activities necessary to insure safety of persons operating or using aircraft; and for the Washington wing civil air patrol in accordance with RCW 47.68.370.

**NEW SECTION, Sec. 22. FOR THE DEPARTMENT OF TRANSPORTATION—ECONOMIC TRAFFIC OPERATION IMPROVEMENTS AND SUPPORT—PROGRAM G**

Economic Development Account Appropriation ..... \$ 9,000,000

The appropriation in this section is funded with the proceeds from the sale of bonds authorized by RCW 47.10.801 and is provided for improvements to the state highway system necessitated by planned economic development.

**NEW SECTION, Sec. 23. FOR THE DEPARTMENT OF TRANSPORTATION—BRIDGE REPLACEMENT AND REHABILITATION—PROGRAM H**

Motor Vehicle Fund Appropriation—State .....	\$	23,000,000
Motor Vehicle Fund Appropriation—Federal .....	\$	31,000,000
Motor Vehicle Fund Appropriation—Local .....	\$	1,000,000
Total Appropriation .....	\$	55,000,000

The appropriations in this section are provided to preserve the structural and operating integrity of existing state highway bridges.

**NEW SECTION, Sec. 24. FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY MAINTENANCE AND OPERATIONS—PROGRAM M**

Motor Vehicle Fund Appropriation . . . . . \$ 185,239,165

The appropriation in this section is subject to the following conditions and limitations:

(1) The department may, after consultation with the legislative transportation committee, transfer motor vehicle funds budgeted for snow and ice control in this section to section 25 of this act to the extent that the plan is underrun.

(2) Appropriated in this section is an amount necessary for the legislative transportation committee and the department of transportation to conduct an independent study of the snow and ice control activity within the department.

**NEW SECTION, Sec. 25. FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY MANAGEMENT AND SUPPORT—PROGRAM P**

Motor Vehicle Fund Appropriation . . . . . \$ 15,875,977

The appropriation in this section is subject to the following conditions and limitations:

(1) The department may, after consultation with the legislative transportation committee, transfer motor vehicle funds budgeted for highway inventories in this section to section 24 of this act to the extent that expenditures for snow and ice control budgeted in section 24 of this act exceeds the plan.

(2) If the 1985-87 biennium ending highway stores and aggregates inventory is less than the amount budgeted, the department may increase the appropriation in this section by the amount of the difference.

**NEW SECTION, Sec. 26. FOR THE DEPARTMENT OF TRANSPORTATION—COUNTY-CITY PROGRAM—PROGRAM R**

Motor Vehicle Fund Appropriation—State . . . . . \$ 1,450,000

Motor Vehicle Fund Appropriation—Federal . . . . . \$ 152,612,528

Motor Vehicle Fund Appropriation—Local . . . . . \$ 20,065,734

Total Appropriation . . . . . \$ 174,128,262

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations contain \$241,000 of state funds for expenditure in accordance with RCW 47.56.720 (Puget Island-Westport Ferry—Payments for operation and maintenance to Wahkiakum county). If Senate Bill No. 5159 is enacted, the department may request a supplemental appropriation.

(2) The appropriations contain \$900,000 of state funds for the guarantee, pursuant to RCW 47.56.712, of the payment of principal of and interest on the Spokane River toll bridge revenue refunding bonds as the bonds become due, but only to the extent that net revenues from the operation of the bridge are insufficient therefor.

(3) The appropriations contain \$309,000 of state funds from the proceeds of bonds for Columbia Basin county roads authorized in chapter 121, Laws of 1951; chapter 311, Laws of 1955; and chapter 121, Laws of 1965 for reimbursable expenditures on cooperative projects authorized by state or federal laws.

(4) The appropriations contain \$91,612,528 of federal funds and \$15,227,923 of local funds for reimbursable expenditures for location, design, right-of-way, construction, and maintenance on the north metro operating base interchange, city streets, county roads, and other nonstate highways.

(5) The appropriations contain \$61,000,000 of federal funds and \$1,000,000 of local funds for location, design, right-of-way, and construction on state highways which is fully reimbursable: PROVIDED, That if the 1987 legislature fails to enact a fuel tax increase, no new contracts may be awarded for department of transportation project No. 42113H prior to approval by the legislative transportation committee.

(6) The appropriations contain \$400,000 of local funds to guarantee bond payments on the Astoria-Megler bridge pursuant to RCW 47.56.646.

(7) The appropriations contain \$3,437,811 of local funds for miscellaneous sales and services.

**NEW SECTION, Sec. 27. FOR THE DEPARTMENT OF TRANSPORTATION—EXECUTIVE MANAGEMENT AND MANAGEMENT SERVICES—PROGRAM S**

General Fund—Aeronautics Account Appropriation . . . . . \$ 9,371

General Fund Appropriation . . . . . \$ 15,194

Motor Vehicle Fund—Puget Sound Capital Construction Account

Appropriation . . . . . \$ 217,442

Motor Vehicle Fund—Puget Sound Ferry Operations Account

Appropriation . . . . . \$ 459,076

Motor Vehicle Fund Appropriation . . . . . \$ 33,518,175

Ferry System Fund Appropriation . . . . . \$ 1,071,178

Total Appropriation . . . . . \$ 35,290,436

**NEW SECTION, Sec. 28. FOR THE DEPARTMENT OF TRANSPORTATION—PLANNING, RESEARCH, AND PUBLIC TRANSPORTATION—PROGRAM T**

(1) For public transportation and rail programs:

General Fund Appropriation—State . . . . . \$ 576,698

General Fund Appropriation—Federal .....	\$	3,767,602
General Fund Appropriation—Local .....	\$	188,000
(2) For planning and research:		
Motor Vehicle Fund Appropriation—State .....	\$	6,280,453
Motor Vehicle Fund Appropriation—Federal .....	\$	10,802,000
Total Public Transportation and Planning Appropriation .....		
	\$	21,614,753

The appropriations in this section are subject to the following conditions and limitations: The department of transportation may transfer up to \$5,000,000 from the motor vehicle fund—federal appropriation to the motor vehicle fund—state appropriation if federal funds are not available to fully fund the motor vehicle fund—federal appropriation in this section. If additional federal funds become available to more than fully fund the motor vehicle fund—federal appropriation in this section, the department may transfer up to \$3,600,000 from the motor vehicle fund—state appropriation to the motor vehicle fund—federal appropriation.

**NEW SECTION, Sec. 29. FOR THE DEPARTMENT OF TRANSPORTATION—MARINE—PROGRAM W**

Motor Vehicle Fund—Puget Sound Capital Construction Account Reappropriation—State .....	\$	3,500,000
Motor Vehicle Fund—Puget Sound Capital Construction Account Appropriation—State .....	\$	61,750,831
Motor Vehicle Fund—Puget Sound Capital Construction Account Appropriation—Federal .....	\$	8,500,000
Total Appropriation .....	\$	73,750,831

The appropriations in this section are provided for improving the Washington state ferry system, including, but not limited to, vessel acquisition, vessel construction, major and minor vessel improvements, and terminal construction and improvements. The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation of state funds from the Puget Sound capital construction account contains \$5,000,000 of the proceeds from the sale of bonds authorized by RCW 47.60.560: PROVIDED, That the transportation commission in consultation with the legislative transportation committee may authorize the use of current revenues available to the Puget Sound capital construction account in lieu of bond proceeds for any part of the state appropriation.

(2) It is the intent of the legislature that the Puget Sound capital construction account appropriation is provided to carry out only the projects presented to the house of representatives and senate transportation committees in the department's 1987-1989 biennial budget request dated February 1987. The department shall revise this list of projects to reconcile the 1985-87 actual expenditures within sixty days of the beginning of the biennium.

(3) Prior to the expenditure of any funds budgeted for additional passenger-only vessels and related terminal modifications, the department of transportation shall obtain approval from the legislative transportation committee: PROVIDED, That the marine division shall make application for reimbursement from the federal urban mass transit administration.

(4) Expenditures for propulsion control systems shall be limited to two vessels.

(5) The department of transportation shall provide the legislative transportation committee with a monthly report concerning the status of this program.

**NEW SECTION, Sec. 30. FOR THE DEPARTMENT OF TRANSPORTATION—MARINE—PROGRAM X**

Motor Vehicle Fund—Puget Sound Ferry Operations Account Appropriation .....	\$	45,896,956
Ferry System Fund Appropriation .....	\$	107,092,897
Total Appropriation .....	\$	152,989,853

The appropriations in this section are provided for management and support of the marine transportation division of the department of transportation and for the operation and maintenance of the state ferry system.

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations are based on the budgeted expenditure of \$15,525,251 for vessel operating fuel in the 1987-89 biennium. If the actual cost of fuel is less than this budgeted amount, the excess amount shall not be expended. If the actual cost exceeds this amount, it is the intent of the legislature that the department will request a supplemental appropriation.

(2) Prior to the expenditure of any funds budgeted for additional passenger-only service, the department of transportation shall obtain approval from the legislative transportation committee. If the additional passenger-only service is not approved, the funds appropriated in this section for that purpose shall not be expended for any other purpose.

(3) For the period from July 1, 1987, up to the actual implementation date of the 1987-89 biennial salary increase for employees under the jurisdiction of the state personnel board, none of the appropriations in this section may be expended to effect an increase in the hourly wage rates of ferry employees, as ferry employee is defined in RCW 47.64.011(5).

(4) The appropriation contained in this section provides for a compensation increase. The expenditures for compensation paid to ferry employees during the 1987-89 biennium shall not

exceed \$105,210,000 and, for the purposes of this section, shall be limited to salaries and wages and employee benefits as defined in the office of financial management's policies, regulations, and procedures named under objects of expenditure "A" and "L" (7.2.6.2). Of the \$105,210,000 provided for compensation, a maximum of \$678,000 may be used to increase salary costs, effective January 1, 1988, for the 1987-88 fiscal year so that the June 30, 1988, hourly salary rate increase shall not exceed any average hourly salary rate increase granted during the 1987-88 fiscal year; and a maximum of \$2,145,000 may be used to increase salary costs, effective January 1, 1989, for the 1988-89 fiscal year so that the June 30, 1989, hourly salary rate increase shall not exceed any average hourly salary rate increase granted during the 1988-89 fiscal year.

(5) To the extent that ferry employees by bargaining unit have absorbed the required offset of wage increases by the amount that the employer's contribution for employees' and dependents' insurance and health care plans exceeds that of other state general government employees in the 1985-87 biennium, employees will not be required to absorb a further offset except to the extent the differential between employer contributions for those employees and all other state general government employees increases during the 1987-89 biennium. If the differential increases or the 1985-87 offset by bargaining unit is insufficient to meet the required deduction, the amount available for compensation shall be reduced by bargaining unit by the amount of such increase or the 1985-87 shortage in the required offset.

(6) The department of transportation shall provide the legislative transportation committee with a monthly report concerning the status of this program.

**NEW SECTION, Sec. 31. FOR THE DEPARTMENT OF TRANSPORTATION**

General Fund Appropriation—Federal . . . . . \$ 600,000

The appropriation in this section is provided for supportive services to on-the-job training programs for minority construction workers and for minority contractors' training programs: PROVIDED, That this appropriation shall be fully reimbursable from federal funds.

**NEW SECTION, Sec. 32. FOR THE DEPARTMENT OF TRANSPORTATION**

Motor Vehicle Fund—RV Account Appropriation Transfer:

For transfer to the Motor Vehicle Fund . . . . . \$ 386,770

The appropriation transfer in this section is provided for the construction and maintenance of recreation vehicle sanitary disposal systems at rest areas on the state highway system. This appropriation is part of the motor vehicle fund construction and maintenance appropriations.

**NEW SECTION, Sec. 33. The department of transportation shall study and develop criteria regarding noise abatement. The department shall submit the results of its study and any recommended criteria and solutions to the legislative transportation committee on or before December 1, 1987.**

**NEW SECTION, Sec. 34. FOR THE DEPARTMENT OF TRANSPORTATION—FOR PAYMENT OF BELATED CLAIMS**

Motor Vehicle Fund Appropriation . . . . . \$ 10,000,000

**NEW SECTION, Sec. 35. FOR THE LEGISLATIVE TRANSPORTATION COMMITTEE—FOR PAYMENT OF BELATED CLAIMS**

Motor Vehicle Fund Appropriation . . . . . \$ 100,000

**NEW SECTION, Sec. 36. The department shall not plant Scotch Broom (Cytisus Scotarius) along highway rights of way. The department shall participate in its proportional share in any area-wide Scotch Broom eradication program sponsored by a public governmental agency.**

**NEW SECTION, Sec. 37. Section 46.68.110, chapter 12, Laws of 1961 as last amended by section 32, chapter 460, Laws of 1985 and RCW 46.68.110 are each amended to read as follows:**

Funds credited to the incorporated cities and towns of the state as set forth in subdivision (1) of RCW 46.68.100 shall be subject to deduction and distribution as follows:

(1) One and one-half percent of such sums shall be deducted monthly as such sums are credited and set aside for the use of the department of transportation for the supervision of work and expenditures of such incorporated cities and towns on the city and town streets thereof, including the supervision and administration of federal-aid programs for which the department of transportation has responsibility: PROVIDED, That any moneys so retained and not expended shall be credited in the succeeding biennium to the incorporated cities and towns in proportion to deductions herein made:

(2) From July 1, 1985, through June 30, 1987, twenty-four one-hundredths of one percent of such funds shall be deducted monthly, as such funds accrue, and set aside for the use of the department of transportation for the purpose of funding the cities' share of the costs of highway jurisdiction studies and ~~(retained)~~ other studies. Any funds so retained and not expended shall be credited in the succeeding biennium to the cities in proportion to the deductions made;

(3) From July 1, 1987, through June 30, 1989, thirty-three one-hundredths of one percent of such funds shall be deducted monthly, as such funds accrue, and set aside for the use of the department of transportation for the purpose of funding the cities' share of the costs of highway jurisdiction studies and other studies. Any funds so retained and not expended shall be credited in the succeeding biennium to the cities in proportion to the deductions made;

(4) The balance remaining to the credit of incorporated cities and towns after such deduction shall be apportioned monthly as such funds accrue among the several cities and towns

within the state ratably on the basis of the population last determined by the office of financial management.

Sec. 38. Section 46.68.120, chapter 12, Laws of 1961 as last amended by section 33, chapter 460, Laws of 1985 and RCW 46.68.120 are each amended to read as follows:

Funds to be paid to the counties of the state shall be subject to deduction and distribution as follows:

(1) One and one-half percent of such funds shall be deducted monthly as such funds accrue and set aside for the use of the department of transportation and the county road administration board for the supervision of work and expenditures of such counties on the county roads thereof, including the supervision and administration of federal-aid programs for which the department of transportation has responsibility: PROVIDED, That any funds so retained and not expended shall be credited in the succeeding biennium to the counties in proportion to deductions herein made:

(2) All sums required to be repaid to counties composed entirely of islands shall be deducted:

(3) From July 1, 1985, through June 30, 1987, twenty-four one-hundredths of one percent of such funds shall be deducted monthly, as such funds accrue, and set aside for the use of the department of transportation for the purpose of funding the counties' share of the costs of high-way jurisdiction studies and ~~((related))~~ other studies. Any funds so retained and not expended shall be credited in the succeeding biennium to the counties in proportion to the deductions made:

(4) From July 1, 1987, through June 30, 1989, thirty-three one-hundredths of one percent of such funds shall be deducted monthly, as such funds accrue, and set aside for the use of the department of transportation for the purpose of funding the counties' share of the costs of high-way jurisdiction studies and other studies. Any funds so retained and not expended shall be credited in the succeeding biennium to the counties in proportion to the deductions made:

(5) The balance of such funds remaining to the credit of counties after such deductions shall be paid to the several counties monthly, as such funds accrue, in accordance with RCW 46.68.122 and 46.68.124.

NEW SECTION. Sec. 39. The motor vehicle fund revenues are received at a relatively even flow throughout the year. Expenditures exceed the revenue during the accelerated summer and fall highway construction season, creating a negative cash balance during the heavy construction season. The legislature recognizes that the department of transportation may require interfund loans or other short-term financing to meet temporary seasonal cash requirements.

NEW SECTION. Sec. 40. The legislature recognizes the economic importance to the state of attracting new industrial development, and that the availability of transportation services is a significant factor in attracting such industries. The transportation commission and the department of transportation may consider these unique circumstances in determining priorities for capital expenditures.

NEW SECTION. Sec. 41. It is the intent of the legislature that the amounts assumed in this act as presented to the house of representatives and senate transportation committees for all revolving funds for services provided to the department of transportation, Washington state patrol, and department of licensing by other agencies, including the department of personnel service fund for personnel services, the legal services revolving fund for tort claim administration costs and other legal costs, the audit services revolving fund for audits, and the archives and records management account for archiving, storage and records management services, shall not be exceeded without prior approval of the legislative transportation committee.

NEW SECTION. Sec. 42. In addition to such other appropriations as are made by this act, there is hereby appropriated to the department of transportation from legally available bond proceeds in the respective construction or building accounts such amounts as are necessary to pay the expenses incurred by the state finance committee in the issuance and sale of the subject bonds.

NEW SECTION. Sec. 43. The legislature recognizes that actual receipts of motor fuel excise taxes payable in any given month have been delayed up to five days into the following month. House Bill No. 347 has been introduced to alleviate late collections and to facilitate receipts of motor fuel excise taxes in the periods when they are due. If House Bill No. 347 is not enacted, the legislature directs the department of licensing and the state treasurer to credit all motor fuel excise taxes collected during the first five working days in July 1987 to the 1985-87 fiscal biennium.

NEW SECTION. Sec. 44. As used in this act, "St Patrol Hiwy Acct" means the State Patrol Highway Account.

NEW SECTION. Sec. 45. FOR THE WASHINGTON STATE PATROL  
Port of entry station: Bellingham (83-R-006)

	Reappropriation	Appropriation
	150,000	
St Patrol Hiwy Acct	Estimated	Estimated
Project	Costs	Total
Costs		

Through 6/30/87 312,000	7/1/89 and Thereafter	Costs  462,000
<u>NEW SECTION, Sec. 46. FOR THE WASHINGTON STATE PATROL</u>		
State-wide: Minor works request (86-1-002)		
	Reappropriation	Appropriation 868,000
St Patrol Hiway Acct		Estimated
Project	Estimated	Total
Costs	Costs	Costs
Through 6/30/87 525,000	7/1/89 and Thereafter	1,393,000
<u>NEW SECTION, Sec. 47. FOR THE WASHINGTON STATE PATROL</u>		
State-wide: Contingency request (86-1-003)		
	Reappropriation	Appropriation 411,000
St Patrol Hiway Acct		Estimated
Project	Estimated	Total
Costs	Costs	Costs
Through 6/30/87 166,000	7/1/89 and Thereafter	577,000
<u>NEW SECTION, Sec. 48. FOR THE WASHINGTON STATE PATROL</u>		
Construct district headquarters facility: Spokane (88-2-009)		
	Reappropriation	Appropriation 2,391,000
St Patrol Hiway Acct		Estimated
Project	Estimated	Total
Costs	Costs	Costs
Through 6/30/87	7/1/89 and Thereafter	2,391,000
<u>NEW SECTION, Sec. 49. FOR THE WASHINGTON STATE PATROL</u>		
Construct district headquarters facility: Wenatchee (88-2-007)		
	Reappropriation	Appropriation 1,761,000
St Patrol Hiway Acct		Estimated
Project	Estimated	Total
Costs	Costs	Costs
Through 6/30/87	7/1/89 and Thereafter	1,761,000
<u>NEW SECTION, Sec. 50. FOR THE WASHINGTON STATE PATROL</u>		
Program through design development: Tacoma headquarters (88-2-015)		
	Reappropriation	Appropriation 53,000
St Patrol Hiway Acct		Estimated
Project	Estimated	Total
Costs	Costs	Costs
Through 6/30/87	7/1/89 and Thereafter 2,333,000	2,386,000
<u>NEW SECTION, Sec. 51. FOR THE WASHINGTON STATE PATROL</u>		
Construct detachment office: Mount Vernon (88-1-018)		
	Reappropriation	Appropriation 639,000
St Patrol Hiway Acct		Estimated
Project	Estimated	Total
Costs	Costs	Costs
Through 6/30/87	7/1/89 and Thereafter	639,000
<u>NEW SECTION, Sec. 52. FOR THE WASHINGTON STATE PATROL</u>		
Program through design development: Everett headquarters (88-2-016)		
	Reappropriation	Appropriation 53,000
St Patrol Hiway Acct		Estimated
Project	Estimated	Total
Costs	Costs	Costs
Through 6/30/87	7/1/89 and Thereafter 2,333,000	2,386,000
<u>NEW SECTION, Sec. 53. FOR THE WASHINGTON STATE PATROL</u>		



Microwave repeater site: Quinault (89-2-017)

	Reappropriation	Appropriation
St Patrol Hiway Acct		219,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		219,000

NEW SECTION. Sec. 54. FOR THE WASHINGTON STATE PATROL  
Program through design development: Olympia headquarters (88-2-008)

	Reappropriation	Appropriation
St Patrol Hiway Acct		133,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
	7,407,000	7,540,000

NEW SECTION. Sec. 55. FOR THE WASHINGTON STATE PATROL  
Relocate communications tower: Bellevue (88-1-012)

	Reappropriation	Appropriation
St Patrol Hiway Acct		374,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		374,000

NEW SECTION. Sec. 56. FOR THE WASHINGTON STATE PATROL  
Headquarters facility: Olympia headquarters (88-2-001)

	Reappropriation	Appropriation
St Patrol Hiway Acct		7,500,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
	4,000,000	11,500,000

The department of general administration and the Washington state patrol shall study alternative on-campus locations for the headquarters facility, including, but not limited to, the highways-licenses building and the feasibility of constructing a lease-option-to-purchase facility. The findings shall be presented to the legislative transportation committee by December 1, 1987, and no expenditures from the appropriation shall be made without prior approval of the legislative transportation committee and the state capitol committee.

NEW SECTION. Sec. 57. FOR THE STATE TREASURER—TRANSFER

Motor Vehicle Fund	\$	8,000,000
--------------------	----	-----------

The appropriation in this section is for transfer to the Puget Sound ferry operations account on August 1, 1987: PROVIDED, That the amount appropriated for transfer shall not exceed the amount of the unexpended balance in the Puget Sound ferry operations account on June 30, 1987, which is subject to transfer from the account pursuant to RCW 47.60.540(2). The amount transferred shall be reported to the legislative transportation committee.

NEW SECTION. Sec. 58. FOR THE DEPARTMENT OF TRANSPORTATION—TRANSFER

Motor Vehicle Fund—Highway Construction Stabilization Account		
Transfer: For transfer to the Motor Vehicle Fund	\$	30,000,000

The appropriation transfer in this section is provided for expenditures pursuant to RCW 46.68.200.

NEW SECTION. Sec. 59. To the extent that the employer contributions for retirement, industrial insurance, and medical aid granted to state general government employees through enactment of the omnibus state appropriations act are less than amounts assumed in the operating programs in this appropriations act, such portion of the appropriations shall be withheld and assigned to a reserve status pursuant to RCW 43.88.110(2). Specific amounts shall be assigned to a reserve status with the concurrence of the office of financial management and the legislative transportation committee.

NEW SECTION. Sec. 60. 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. 61. 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."

## MOTION

Senator Bender moved that the Senate do concur in the House amendment to Engrossed Substitute House Bill No. 6076.

Debate ensued.

## POINT OF INQUIRY

Senator Barr: "Senator Bender, how did it deal with the relocation for the Department of Licensing?"

Senator Bender: "Senator Barr, as I stated before, it doesn't address that at all. We took all of that language out which provided dollars for relocation."

## POINT OF INQUIRY

Senator Zimmerman: "Senator Bender, then that would save them some money--that relocation delay would save some dollars at least immediately? Would the amount required for category "C"--does that mean the projects will be split a little bit in terms of the one-hundred twenty-eight million?"

Senator Bender: "Actually, it doesn't really have too much impact on our category "C" programs. We can come back next session and take care of those few projects that might be slighted, I think, about four months. There are about ten to fifteen projects in that category "C" area, but we can come back and address that next session. It really continues our category "C" program through the next biennium."

The President declared the question before the Senate to be the motion by Senator Bender that the Senate do concur in the House amendment to Engrossed Substitute Senate Bill No. 6076.

The motion by Senator Bender carried and the Senate concurred in the House amendment to Engrossed Substitute Senate Bill No. 6076.

## MOTIONS

On motion of Senator Zimmerman, Senators Kiskaddon and Pullen were excused.

On motion of Senator Bender, Senators Hansen, McDermott, McDonald and Moore were excused.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 6076, as amended by the House.

Debate ensued.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 6076, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 38; nays, 4; absent, 1; excused, 6.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Gaspard, Halsan, Hayner, Johnson, Lee, McCaslin, Metcalf, Nelson, Newhouse, Owen, Patterson, Peterson, Rasmussen, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Zimmerman - 38.

Voting nay: Senators Bottiger, Garrett, Rinehart, Wojahn - 4.

Absent: Senator Kreidler - 1.

Excused: Senators Hansen, Kiskaddon, McDermott, McDonald, Moore, Pullen - 6.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6076, 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 HOUSE

May 17, 1987

MR. PRESIDENT:

The House concurred in the Senate amendments to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 477 and passed the bill as amended by the Senate.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:  
SENATE CONCURRENT RESOLUTION NO. 8413.

MOTION

At 10:33 p.m., on motion of Senator Vognild, the Senate was declared to be at  
ease.

The Senate was called to order at 10:58 p.m. by President Cherberg.

MOTION

At 10:58 p.m., on motion of Senator Vognild, the Senate adjourned until 10:00  
a.m., Monday, May 18, 1987.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

## TWENTY-SECOND DAY

---

### MORNING SESSION

---

Senate Chamber, Olympia, Monday, May 18, 1987

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Bender, Conner, Kiskaddon, McDermott, Moore, Smitherman and West. On motion of Senator Zimmerman, Senator Kiskaddon was excused. On motion of Senator Vognild, Senators McDermott and Moore were excused.

The Sergeant at Arms Color Guard, consisting of Pages Hannah Cox and Sean Watts, presented the Colors. Reverend Richard Hart, senior pastor of the First Baptist Church of Olympia, offered the prayer.

### MOTION

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

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

### SECOND READING

ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 4418, by Representatives Wang, Patrick, Cole, Miller, Hine, Allen, R. King, Brough and Grimm

Creating a select committee on employment and the family.

The resolution was read the second time.

### MOTION

On motion of Senator Warnke, the rules were suspended, Engrossed House Concurrent Resolution No. 4418 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Concurrent Resolution No. 4418.

### ROLL CALL

The Secretary called the roll on final passage of Engrossed House Concurrent Resolution No. 4418 and the resolution passed the Senate by the following vote: Yeas, 36; nays, 5; absent, 5; excused, 3.

Voting yea: Senators Anderson, Bailey, Bauer, Benitz, Bluechel, Bottiger, Cantu, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDonald, Metcalf, Nelson, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 36.

Voting nay: Senators Barr, Newhouse, Owen, Pullen, Tanner - 5.

Absent: Senators Bender, Conner, Gaspard, Smitherman, West - 5.

Excused: Senators Kiskaddon, McDermott, Moore - 3.

ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 4418, having received the constitutional majority, was declared passed.

### SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4422, by Representatives McMullen and Brough

Providing procedures for the convening of a special session by the legislature.

The resolution was read the second time.

## MOTION

On motion of Senator Vognild, the rules were suspended, House Concurrent Resolution No. 4422 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Concurrent Resolution No. 4422.

## ROLL CALL

The Secretary called the roll on final passage of House Concurrent Resolution No. 4422 and the resolution passed the Senate by the following vote: Yeas, 43; absent, 3; excused, 3.

Voting ye: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Bottiger, Cantu, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kreidler, Loe, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 43.

Absent: Senators Bender, Conner, Smitherman - 3.

Excused: Senators Kiskaddon, McDermott, Moore - 3.

HOUSE CONCURRENT RESOLUTION NO. 4422, having received the constitutional majority, was declared passed.

## MOTION

At 10:20 a.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 11:40 a.m. by President Cherberg.

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

## REPORT OF CONFERENCE COMMITTEE

May 17, 1987

MR. PRESIDENT:

MR. SPEAKER:

We, of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 1221, revising the 1987-89 omnibus appropriations act, have had the same under consideration and report that we are unable to agree and respectfully request the powers of Free Conference in order to amend the bill as follows:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION, Sec. 1.** (1) A budget is hereby adopted and, subject to the provisions set forth in the following sections, the several amounts specified in the following sections, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for salaries, wages, and other expenses of the agencies and offices of the state and for other specified purposes for the fiscal biennium beginning July 1, 1987, and ending June 30, 1989, except as otherwise provided, out of the several funds of the state hereinafter named.

(2) Unless the context clearly requires otherwise, the definitions in this section apply throughout this act.

(a) "Fiscal year 1988" or "FY 1988" means the fiscal year ending June 30, 1988.

(b) "Fiscal year 1989" or "FY 1989" means the fiscal year ending June 30, 1989.

(c) "Provided solely" means the specified amount may be spent only for the specified purpose. Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose which is unnecessary to fulfill the specified purpose shall revert.

(d) "Revert" or "lapse" means the amount shall return to an unappropriated status.

(e) "FTE" means full time equivalent.

**NEW SECTION, Sec. 2.** Agencies receiving appropriations under this act shall not initiate any services that will require expenditure of state general fund moneys except as expressly authorized in this act unless the services were provided on March 1, 1987. Agencies may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act and, in the case of unanticipated unrestricted federal moneys, as long as an equal amount of appropriated state general fund moneys is placed in a reserve status. Unrestricted federal moneys shall be used, to the maximum extent permitted under federal law, to replace state general fund moneys appropriated under this act for the biennium ending June 30, 1989. As used in this subsection, "unrestricted federal

moneys" includes block grants and other funds that federal law does not require to be spent on explicitly defined projects or matched on a formula basis by state funds.

**NEW SECTION, Sec. 3.** For agencies for which the governor has allotment authority, the office of financial management shall limit expenditures for personal services contracts, goods and services, travel, and furnishings and equipment so that total general fund—state expenditures for such agencies are \$18,000,000 less than the total of the general fund—state appropriations for such agencies.

**PART I  
GENERAL GOVERNMENT**

**NEW SECTION, Sec. 101. FOR THE HOUSE OF REPRESENTATIVES**

General Fund Appropriation ..... \$ 44,349,000

**NEW SECTION, Sec. 102. FOR THE SENATE**

General Fund Appropriation ..... \$ 29,631,000

**NEW SECTION, Sec. 103. FOR THE LEGISLATIVE BUDGET COMMITTEE**

General Fund Appropriation ..... \$ 1,880,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The legislative budget committee shall conduct an analysis of what improvements can be made in state-wide common school-related information, including:

(a) Data collection and dissemination goals, policies, procedures, and management;

(b) Duplication of services provided and programs delivered among local districts, educational service districts, the superintendent of public instruction, and, where possible, the private sector; and

(2) The legislative budget committee shall report its findings and recommendations under subsection (1) of this section to the senate and house of representatives ways and means committees at the beginning of the 1989 legislative session. Recommendations shall include, but not be limited to:

(a) Ways to reduce reporting and paperwork at the local district level;

(b) Consolidation of reports, where practical;

(c) Ways to reduce duplication of effort and program delivery; and

(d) Other potential cost efficiencies.

**NEW SECTION, Sec. 104. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE**

General Fund Appropriation ..... \$ 2,503,000

The appropriation in this section is subject to the following conditions and limitations: The committee shall conduct a study of the common school state-wide data reporting system, including information on class size in kindergarten through twelfth grade. \$100,000 of the general fund appropriation is provided solely to contract with the institute of public policy and management of the University of Washington to conduct research associated with the study. The institute shall work closely with the superintendent of public instruction and the office of financial management to prepare a report to the legislature by December 1, 1988, regarding its findings and recommendations.

**NEW SECTION, Sec. 105. FOR THE JOINT LEGISLATIVE SYSTEMS COMMITTEE**

General Fund Appropriation ..... \$ 5,524,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation shall be transferred to the legislative systems revolving fund.

**NEW SECTION, Sec. 106. FOR THE STATUTE LAW COMMITTEE**

General Fund Appropriation ..... \$ 5,394,000

**NEW SECTION, Sec. 107. FOR THE SUPREME COURT**

General Fund Appropriation ..... \$ 10,678,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$3,337,000 is provided solely for the indigent appeals program.

(2) \$110,000 is provided solely for the creation of the public defender task force. The supreme court shall compile a list of three qualified persons from which the governor shall appoint the director of the public defender task force. Qualifications of the director shall include admission to the practice of law in this state for at least five years and experience in the representation of persons accused of crime. The director shall be paid a salary fixed by the governor under RCW 43.03.040. To assist the director in carrying out the duties of the position, there is created a public defender task force consisting of the following members: One member appointed by both the associations of cities and counties; one member appointed by the Washington state bar association; one member appointed by both the Washington appellate defender association and the Washington defender association; one member appointed by the Washington association of prosecuting attorneys; one member appointed by the judiciary; two members appointed by the president of the senate who shall not be members of the same political party; and two members appointed by the speaker of the house of representatives who shall not be members of the same political party. Members of the task force shall serve without compensation but shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060.

The director shall, with the assistance of the task force, review the current system for providing appellate representation to indigent persons in criminal cases, civil commitment proceedings, and cases involving a disposition in a juvenile offense proceeding. The director shall by January 1, 1989, report to the judiciary committees of the house of representatives and senate with a plan for an effective and efficient program for delivering indigent defense services state-wide in trial court, the court of appeals, and the supreme court, in criminal cases, civil commitment proceedings, and cases involving a disposition in a juvenile offense proceeding. The plan shall include: Guidelines for determining who is eligible to receive legal services under the program, an estimate of resources needed to carry out the program at the trial and appellate court levels, and recommendations for mandatory pro bono publico participation by private attorneys.

NEW SECTION, Sec. 108. FOR THE LAW LIBRARY

General Fund Appropriation .....	\$	2,574,000
----------------------------------	----	-----------

NEW SECTION, Sec. 109. FOR THE COURT OF APPEALS

General Fund Appropriation .....	\$	12,013,000
----------------------------------	----	------------

NEW SECTION, Sec. 110. FOR THE ADMINISTRATOR FOR THE COURTS

General Fund Appropriation .....	\$	21,738,000
Public Safety and Education Account Appropriation .....	\$	18,828,000
Total Appropriation .....	\$	40,566,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$4,162,000 of the general fund appropriation is provided solely for the continuation of the treatment alternatives to street crime programs in Pierce, Snohomish, Clark, King, Spokane, and Yakima counties.

(2) \$296,000 of the general fund appropriation is provided solely for allocation to the superior court of Thurston county to relieve the impact of litigation involving the state of Washington.

(3) \$50,000 of the public safety and education account appropriation is provided solely for the administrator for the courts to initiate measures to prevent gender and minority bias in the courts. Such measures shall include but not be limited to:

(a) A study of the status of women and minorities as litigants, attorneys, judges, and court employees;

(b) Recommendations for implementing reform; and

(c) Providing attitude awareness training for judges and legal professionals.

(4) \$260,000 of the general fund—state appropriation is provided solely for the Snohomish County preprosecution diversion program.

(5) \$150,000 of the general fund—state 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.

NEW SECTION, Sec. 111. FOR THE JUDICIAL QUALIFICATIONS COMMISSION

General Fund Appropriation .....	\$	477,000
----------------------------------	----	---------

NEW SECTION, Sec. 112. FOR THE OFFICE OF THE GOVERNOR

General Fund Appropriation—State .....	\$	5,260,000
General Fund Appropriation—Federal .....	\$	500,000
Total Appropriation .....	\$	5,760,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$167,000 of the general fund—state appropriation is provided solely for mansion maintenance.

(2) \$389,000 of the general fund—state appropriation is provided solely for extradition expenses to carry out RCW 10.34.030, providing for the return of fugitives by the governor.

including prior claims, and for extradition-related legal services as determined by the attorney general.

**NEW SECTION, Sec. 113. FOR THE LIEUTENANT GOVERNOR**

General Fund Appropriation ..... \$ 363,000

**NEW SECTION, Sec. 114. FOR THE SECRETARY OF STATE**

General Fund Appropriation ..... \$ 6,374,000  
 Archives and Records Management Account Appropriation ..... \$ 2,116,000  
 Total Appropriation ..... \$ 8,490,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,021,000 of the general fund appropriation is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures.

(2) \$1,661,000 of the general fund appropriation is provided solely for the verification of initiative and referendum petitions and the maintenance of related voter registration records, legal advertising of state measures, and the publication and distribution of the voters and candidates pamphlet.

(3) \$60,000 of the archives and records management account appropriation is provided solely for a project that will evaluate the need for, and potential archival requirements of, storage of data contained in magnetic media (tapes and disks). Implementation of an archival program for magnetic media shall not begin prior to approval of the findings and recommendations of the project by the office of financial management.

**NEW SECTION, Sec. 115. FOR THE COMMISSION ON HISPANIC AFFAIRS**

General Fund Appropriation ..... \$ 280,000

The appropriation in this section is subject to the following conditions and limitations: \$49,000 is provided solely to meet additional workload associated with the federal immigration reform and control act.

**NEW SECTION, Sec. 116. FOR THE COMMISSION ON ASIAN-AMERICAN AFFAIRS**

General Fund Appropriation ..... \$ 285,000

**NEW SECTION, Sec. 117. FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS**

General Fund Appropriation ..... \$ 241,000

**NEW SECTION, Sec. 118. FOR THE STATE TREASURER**

Motor Vehicle Fund Appropriation ..... \$ 45,000  
 State Treasurer's Service Fund Appropriation ..... \$ 9,080,000  
 Total Appropriation ..... \$ 9,125,000

**NEW SECTION, Sec. 119. FOR THE STATE AUDITOR**

General Fund Appropriation ..... \$ 832,000  
 Motor Vehicle Fund Appropriation ..... \$ 287,000  
 Municipal Revolving Fund Appropriation ..... \$ 14,733,000  
 Auditing Services Revolving Fund Appropriation ..... \$ 9,359,000  
 Total Appropriation ..... \$ 25,211,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$180,000 of the auditing services revolving fund appropriation is provided solely to perform multi-agency audits of fixed assets, capital construction projects, and lease acquisitions and to perform deferred audits of state agencies.

(2) \$609,000 of the audit services revolving fund appropriation is provided solely for additional workload associated with the federal single audit act.

**NEW SECTION, Sec. 120. FOR THE ATTORNEY GENERAL**

General Fund Appropriation ..... \$ 5,143,000  
 Legal Services Revolving Fund Appropriation ..... \$ 46,142,000  
 Total Appropriation ..... \$ 51,285,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$840,000 of the legal services revolving fund appropriation is provided solely to support additional attorneys to defend an increased number of cases expected from an increase in the number of industrial appeals board staff.

(2) \$10,233,000 of the legal services revolving fund appropriation is provided solely for legal services augmentation; of which a maximum of \$3,933,000, including the state-wide salary increase allocation, is for salary increases consistent with the Price Waterhouse recommendation of March 19, 1987, for assistant attorneys general, \$5,000,000 is for additional funding for the defense of tort actions, \$400,000 is for increased legal services for the department of corrections and the indeterminate sentence review board, \$200,000 is for increased legal services for the department of ecology, \$200,000 is for increased legal services for the department of transportation, and \$500,000 is for increased legal services for the department of licensing.

(3) Pursuant to chapter 365, Laws of 1985, the attorney general shall transmit to the judiciary committees of the senate and house of representatives and the human rights commission by January 1, 1988, and by January 1 of every year thereafter a progress report which states the agency's progress in meeting its affirmative action goals and timetables. The agency's



goals for assistant attorneys general and other exempt employees shall be based on the percentage of each and every minority group's representation in the state labor force population.

**NEW SECTION, Sec. 121. FOR THE OFFICE OF FINANCIAL MANAGEMENT**

General Fund Appropriation—State .....	\$	18,281,000
General Fund Appropriation—Federal .....	\$	60,000
Motor Vehicle Fund Appropriation .....	\$	100,000
Medical Aid Fund Appropriation .....	\$	98,000
Local Jail Improvement and Construction Fund Appropriation .....	\$	780,000
Total Appropriation .....	\$	19,319,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$40,000 of the general fund—state appropriation is provided solely for the services of an actuarial consultant.

(2) Reports required to be submitted to the legislature or its committees by dates specified in this act shall be submitted by such dates, notwithstanding time necessary for review by the office of financial management. For agencies under the authority of the governor, the office may require submission of draft reports for its review prior to the dates required for submission to the legislative branch.

(3) By January 1, 1988, the office of financial management shall submit a report to the committees on ways and means of the senate and house of representatives describing a system to control the initial acquisition and replacement of furniture and equipment by state agencies. The system shall include proposed criteria for justifying furniture and equipment purchases by state agencies, a uniform accounting and reporting system for such purchases, and a centralized inventory and acquisition system that would fill state agency furniture and equipment requests from existing inventory before new purchases are allowed. The report shall include recommended legislation, if appropriate.

(4) \$250,000 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 developed jointly and in cooperation with the state board of education and the superintendent of public instruction and 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.

(5) \$205,000, of which \$145,000 is from the general fund—state appropriation, is provided solely for the purposes of implementing the agency's responsibilities under Substitute House Bill No. 738. If Substitute House Bill No. 738 is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

(6) The office of financial management, in cooperation with the state board for community college education, shall study the cost of community college faculty salary increments, including savings from full time faculty turnover, identify the faculty salary increment policy at each college district, and report the findings and recommendations to the 1989 regular session of the legislature.

**NEW SECTION, Sec. 122. FOR THE OFFICE OF ADMINISTRATIVE HEARINGS**

Administrative Hearings Revolving Fund Appropriation .....	\$	8,752,000
--	----	-----------

**NEW SECTION, Sec. 123. FOR THE STATE INVESTMENT BOARD**

State Investment Board Expense Account Appropriation .....	\$	1,736,000
--	----	-----------

The appropriation in this section is subject to the following conditions and limitations: \$7,000 of this appropriation is provided solely for services to be provided by the investor responsibility research council.

**NEW SECTION, Sec. 124. FOR THE DEPARTMENT OF PERSONNEL**

Department of Personnel Service Fund Appropriation .....	\$	13,618,000
State Employees' Insurance Fund Appropriation .....	\$	2,164,000
Total Appropriation .....	\$	15,782,000

The appropriations in this section are subject to the following conditions and limitations: \$150,000 of the state employees' insurance fund appropriation is provided solely for the revision of the automated insurance eligibility system.

**NEW SECTION, Sec. 125. FOR THE COMMITTEE FOR DEFERRED COMPENSATION**

General Fund Appropriation .....	\$	354,000
----------------------------------	----	---------

The appropriation in this section is subject to the following conditions and limitations: This appropriation is provided solely for the administration of a state employee salary reduction plan for dependent care assistance. If Engrossed Substitute House Bill No. 844 is not enacted by June 30, 1987, this appropriation shall lapse.

**NEW SECTION, Sec. 126. FOR THE PERSONNEL APPEALS BOARD**

Department of Personnel Service Fund Appropriation .....	\$	807,000
--	----	---------

**NEW SECTION, Sec. 127. FOR THE DATA PROCESSING AUTHORITY**

Data Processing Revolving Fund Appropriation .....	\$	1,268,000
--	----	-----------

**NEW SECTION, Sec. 128. FOR THE WASHINGTON STATE LOTTERY**

Lottery Administrative Account Appropriation .....	\$	43,697,000
--	----	------------

The appropriation in this section is subject to the following conditions and limitations: \$27,300,000 of the lottery administrative account appropriation is provided solely for the payment of costs incurred in the purchase and promotion of lottery games. If Engrossed Substitute House Bill No. 26 is enacted without requiring that costs of purchase and promotion of lottery games be paid out of the lottery administrative account, this amount of the appropriation shall lapse.

**NEW SECTION. Sec. 129. FOR THE DEPARTMENT OF REVENUE**

General Fund Appropriation .....	\$	63,667,000
Hazardous Waste Control and Elimination Account Appropriation .....	\$	111,000
Timber Tax Distribution Account Appropriation .....	\$	3,276,000
Total Appropriation .....	\$	67,054,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The hazardous waste control and elimination account appropriation shall lapse if Substitute House Bill No. 434 is enacted by June 30, 1987.

(2) \$100,000 of the general fund appropriation is provided solely to support additional staff to perform tax research and statistical analysis.

(3) If Substitute Senate Bill No. 5293 is enacted by June 30, 1987, the department shall not collect business and occupation tax from adult family homes after the effective date of the bill.

**NEW SECTION. Sec. 130. FOR THE BOARD OF TAX APPEALS**

General Fund Appropriation .....	\$	1,214,000
----------------------------------	----	-----------

The appropriation in this section is subject to the following conditions and limitations: \$72,070 is provided solely to conduct appeals in eastern Washington and other locations to handle increased appeals from audits and King county board of equalization assessments.

**NEW SECTION. Sec. 131. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

General Fund Appropriation—State .....	\$	8,312,000
General Fund Appropriation—Federal .....	\$	1,623,000
General Fund Appropriation—Private/Local .....	\$	93,000
Motor Transport Account Appropriation .....	\$	10,925,000
General Administration Facilities and Services Revolving Fund Appropriation .....	\$	19,562,000
Total Appropriation .....	\$	40,515,000

**NEW SECTION. Sec. 132. FOR THE OFFICE OF MINORITY AND WOMEN'S BUSINESS**

**ENTERPRISES**

General Fund Appropriation .....	\$	1,937,000
----------------------------------	----	-----------

**NEW SECTION. Sec. 133. FOR THE PRESIDENTIAL ELECTORS**

General Fund Appropriation .....	\$	1,000
----------------------------------	----	-------

**NEW SECTION. Sec. 134. FOR THE INSURANCE COMMISSIONER**

Insurance Commissioner's Regulatory Account Appropriation .....	\$	10,205,000
---	----	------------

**NEW SECTION. Sec. 135. FOR THE PUBLIC DISCLOSURE COMMISSION**

General Fund Appropriation .....	\$	1,229,000
----------------------------------	----	-----------

**NEW SECTION. Sec. 136. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—OPERATIONS**

Department of Retirement Systems Expense Fund Appropriation .....	\$	20,666,000
---	----	------------

The appropriation in this section is subject to the following conditions and limitations:

(1) \$554,000 is provided solely for the purposes of Engrossed Substitute Senate Bill No. 5150.

(2) Not more than \$877,000 of this appropriation may be expended for the expenses of the office of the state actuary, including interagency reimbursements for services and statutory reports.

**NEW SECTION. Sec. 137. FOR THE MUNICIPAL RESEARCH COUNCIL**

General Fund Appropriation .....	\$	2,104,000
----------------------------------	----	-----------

**NEW SECTION. Sec. 138. FOR THE UNIFORM LEGISLATION COMMISSION**

General Fund Appropriation .....	\$	36,000
----------------------------------	----	--------

**NEW SECTION. Sec. 139. FOR THE BOARD OF ACCOUNTANCY**

General Fund Appropriation .....	\$	415,000
Certified Public Accountant Examination Account Appropriation .....	\$	571,000
Total Appropriation .....	\$	986,000

**NEW SECTION. Sec. 140. FOR THE BOXING COMMISSION**

General Fund Appropriation .....	\$	105,000
----------------------------------	----	---------

**NEW SECTION. Sec. 141. FOR THE CEMETERY BOARD**

Cemetery Account Appropriation .....	\$	143,000
--------------------------------------	----	---------

**NEW SECTION. Sec. 142. FOR THE HORSE RACING COMMISSION**

Horse Racing Commission Fund Appropriation .....	\$	4,233,000
--	----	-----------

The appropriation in this section is subject to the following conditions and limitations:

(1) If there are more than six hundred ninety-eight racing days during the fiscal biennium ending June 30, 1989, the governor is authorized to allocate such additional moneys from the horse racing commission fund as may be required.

(2) No horse racing commission funds may be used for the purpose of certifying Washington-bred horses as required under RCW 67.16.075.

(3) \$10,000 is provided solely for ex officio, nonvoting commissioners under Engrossed House Bill No. 831. If the bill is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

(4) \$160,000 is provided solely for drug testing and two additional security guards. This amount is contingent on the enactment of House Bill No. 831. If the bill is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

NEW SECTION, Sec. 143. FOR THE LIQUOR CONTROL BOARD

Liquor Revolving Fund Appropriation ..... \$ 87,777,000

The appropriation in this section is subject to the following conditions and limitations:

(1) At the expiration of the lease of any state liquor store, except in an incorporated city in which more than one liquor store exists, if the yearly average of gross bottle sales falls below 80,000 bottles, that store shall be closed and an agency may be established in its place.

(2) \$60,000 is provided solely for computer programming needed to use the state payroll system.

NEW SECTION, Sec. 144. FOR THE PHARMACY BOARD

General Fund Appropriation ..... \$ 1,343,000

NEW SECTION, Sec. 145. FOR THE UTILITIES AND TRANSPORTATION COMMISSION

Public Service Revolving Fund Appropriation—State ..... \$ 23,712,000

Public Service Revolving Fund Appropriation—Federal ..... \$ 426,000

Grade Crossing Protective Fund Appropriation ..... \$ 320,000

Total Appropriation ..... \$ 24,458,000

The appropriations in this section are subject to the following conditions and limitations: \$975,000 of the public service revolving fund appropriation is provided solely for costs of the attorney general associated with representation of the public before the commission, including but not limited to the costs of special attorneys general, expert witnesses, technical assistance, and consultants.

NEW SECTION, Sec. 146. FOR THE BOARD FOR VOLUNTEER FIREMEN

Volunteer Firemen's Relief and Pension Fund Appropriation ..... \$ 233,000

NEW SECTION, Sec. 147. FOR THE MILITARY DEPARTMENT

General Fund Appropriation—State ..... \$ 7,769,000

General Fund Appropriation—Federal ..... \$ 5,149,000

Total Appropriation ..... \$ 12,918,000

NEW SECTION, Sec. 148. FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

General Fund Appropriation ..... \$ 1,719,000

NEW SECTION, Sec. 149. FOR THE CITIZENS' COMMISSION ON SALARIES FOR ELECTED

OFFICIALS

General Fund Appropriation ..... \$ 63,000

PART II

HUMAN SERVICES

NEW SECTION, Sec. 201. FOR THE DEPARTMENT OF CORRECTIONS

(1) COMMUNITY SERVICES

General Fund Appropriation ..... \$ 59,605,000

The appropriation in this subsection is subject to the following conditions and limitations:

(a) \$23,884,000 is provided solely for the operation and/or contracting with nonprofit corporations for work training release for convicted felons.

(b) \$2,071,000 is provided solely for the support of the office of the director of community services.

(c) \$200,000 is provided solely for the notification of victims and witnesses of any parole, work release placement, furlough, or unescorted leave of absence from a state correctional facility of any inmate convicted of a violent offense.

(d) \$854,000 is provided solely for the implementation of the sex offender treatment program for offenders under the jurisdiction of the division of community services as required by Second Substitute House Bill No. 1251.

(e) A maximum of \$285,000 may be spent for the replacement of used equipment within the community services division.

(2) INSTITUTIONAL SERVICES

General Fund Appropriation ..... \$ 269,824,000

The appropriation in this subsection is subject to the following conditions and limitations:

(a) \$1,725,000 is provided solely for the implementation of the sex offender treatment program within the division of prisons.

(b) \$1,049,000 is provided solely for the operation of the new in-patient floor at the Monroe reformatory hospital.

(c) \$5,369,000 is provided solely for the support of the office of the director of the division of prisons.

(d) A maximum of \$1,898,000 may be spent for the replacement of used equipment within the institutional services division.

(3) ADMINISTRATION AND PROGRAM SUPPORT

General Fund Appropriation ..... \$ 17,961,000

Institutional Impact Account Appropriation .....	\$	317,000
Total Appropriation .....	\$	18,278,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department shall report to the ways and means committees of the senate and house of representatives on January 1, 1988, and January 1, 1989, regarding its progress toward employing more minorities and women in top-level management positions.

(b) A maximum of \$1,258,000 of the general fund appropriation may be transferred to the tort claims revolving fund for tort claims against the department. The department shall develop a report, including brief descriptions and estimated amounts of all outstanding tort claims. The report is due to the ways and means committees of the senate and house of representatives on January 1, 1988. During the 1987-89 biennium, the department shall report on a quarterly basis the tort claim payments resulting from settlements and court judgments. New claims against the state shall be included in the quarterly updates.

(c) At least \$1,000,000 of the general fund appropriations in subsections (1) and (2) of this section shall be spent to contract for drug and alcohol treatment services for offenders in institutions and/or work release facilities.

(d) A maximum of \$150,000 may be spent for the replacement of used equipment within the administration division.

(4) INSTITUTIONAL INDUSTRIES

General Fund Appropriation .....	\$	2,268,000
----------------------------------	----	-----------

The appropriation in this subsection is subject to the following conditions and limitations: A maximum of \$500,000 may be spent for the replacement of used equipment within the institutional industries division.

NEW SECTION. Sec. 202. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(1) Appropriations made in this act to the department of social and health services shall be initially allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act, nor shall allotment modifications permit moneys which are provided solely for a specified purpose to be used for other than that purpose.

(2) The department of social and health services shall not initiate any services that will require expenditure of state general fund moneys except as expressly authorized in this act, unless the services were provided on March 1, 1987. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act, and an equal amount of appropriated state general fund moneys shall lapse. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on explicitly defined projects or matched on a formula basis by state funds.

(3) The department of social and health services is authorized to expend federal funds made available by the federal immigration reform and control act, P.L. 99-603, for the purposes contained in that act.

(4) The department of social and health services shall not revise eligibility criteria for any of its programs or services in a manner which will increase the number of eligible persons or the general fund—state expenditures for the program or service unless specifically authorized by this act. To the extent that revisions to eligibility criteria are required by federal or state statute or court order, including the setting of need standards for public assistance recipients, such revisions shall be reviewed by appropriate committees of the legislature prior to implementation.

(5) If Engrossed Senate Bill No. 5097 is enacted by June 30, 1987, the department shall administer the lifeline fund established under the bill and shall recover its administrative costs from the fund. Payments to local exchange companies shall not exceed amounts available in the lifeline fund.

(6) The department shall implement the plan for performance-based contracts developed under sections 203(6) and 204(1)(c), chapter 6, Laws of 1985 ex. sess., whereby a portion of vendor payments for private group care and other community residential placements shall reflect achievement of client outcome standards. The department shall report on implementation of the plan to the ways and means committees of the senate and house of representatives by December 15, 1987, and December 15, 1988.

(7) The appropriations in sections 203, 208, 210, 213, 214, and 215 of this act shall be expended as provided in each section, except that the department may expend money, appropriated for other purposes, for the family independence program only after approval by the director of financial management. The director of financial management shall notify the ways and means committees of the senate and house of representatives regarding deviation from the legislative program appropriation levels.

(8) The department shall report monthly unit cost performance data for all budget units, including comparisons to previous periods, to the legislative evaluation and accountability program committee on a quarterly basis.

**NEW SECTION. Sec. 203. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—  
CHILDREN AND FAMILY SERVICES PROGRAM**

General Fund Appropriation—State .....	\$	165,009,000
General Fund Appropriation—Federal .....	\$	58,552,000
<b>Total Appropriation .....</b>	<b>\$</b>	<b>223,561,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) Vendor rate increases shall average 2.0 percent on September 1, 1987, and 4.0 percent on September 1, 1988. Department contracts for group home services, therapeutic day care, seasonal day care, and domestic violence shelters shall provide for and assure payment of compensation for staff of no less than \$4.76 per hour beginning September 1, 1987, and \$5.15 per hour beginning September 1, 1988.

(2) \$7,500,000 of the general fund—state appropriation is provided solely for the improvement of services to protect children. \$5,035,000 of the amount provided in this subsection is provided solely for increased child protective services and child welfare casework staff, necessary support and supervisory staff, and assistant attorneys general to provide legal services for child protective services cases. The department shall conduct intensive recruitment and priority hiring of qualified multi-ethnic casework staff. \$40,000 of the amount provided in this subsection is provided solely for training for child protective services and child welfare staff who investigate and serve child abuse and neglect cases. \$2,425,000 of the amount provided in this subsection is provided solely to implement the provisions of Engrossed Second Substitute House Bill No. 586 which establish a pilot project in order to guide the state in developing a comprehensive system of children and family services. If the bill is not enacted by June 30, 1987, this amount shall lapse. The department shall report to the ways and means and human services committees of the senate and house of representatives on implementation of this section by January 15, 1988. The report shall include the following information:

(a) The effectiveness of providing additional casework, support staff, and other services provided in this section in reducing and refocusing the workload of child protective services caseworkers;

(b) The impact on caseloads of hiring child protective services support staff, including clerical support, assistant attorneys general, eligibility determination specialists, and public health nurses; and

(c) The number and classifications of staff and the level and types of additional services for which the moneys in this section are used.

(3) \$1,000,000 of the general fund—state appropriation is provided solely for the expansion of therapeutic day care.

(4) \$2,160,000 of the general fund—state appropriation is provided solely for public health nurses to provide prevention and early intervention services for the protection of children, and to assist in the investigation of low-risk child abuse and neglect referrals.

(5) \$600,000 of the general fund—state appropriation is provided solely to increase private agency fees in connection with foster care placements, effective July 1, 1987.

(6) \$400,000 of the general fund—state appropriation is provided solely for expansion of current contracted community services to prevent the occurrence or recurrence of family conflict, abuse, or out-of-home placements.

(7) \$1,000,000 of the general fund—state appropriation is provided solely for training and support for families providing foster care services.

(8) \$300,000 of the general fund—state appropriation is provided solely to fund counseling, education, and support for victims of sexual abuse.

(9) \$500,000 of the general fund—state appropriation is provided solely to increase contracted Indian child welfare services.

(10) \$1,298,000 of the general fund—state appropriation is provided solely for financial eligibility workers to ensure that every child in foster care who is eligible for federal financial participation under Title IV, Part B, or Title IV, Part E of the federal social security act is identified. Any federal moneys generated by this activity in excess of the amount appropriated in this section shall be expended for foster care services and a like amount of state moneys shall lapse.

(11) \$93,000 of the general fund—state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 6013. If the bill is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

(12) A maximum of \$332,000, of which \$275,000 is from the general fund—state appropriation, and 7.8 full time equivalent staff may be transferred from the division of children and family services to the administration and supporting services program to consolidate the social service payment system. If this transfer affects the comparability of historical expenditure information at the program, category, or budget-unit level, the department shall reconstruct historical data for the preceding six years.

(13) \$125,000 is provided solely for the purpose of implementing Engrossed Second Substitute Senate Bill No. 5252. If the bill is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

NEW SECTION, Sec. 204. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—  
JUVENILE REHABILITATION PROGRAM

(1) COMMUNITY SERVICES

General Fund Appropriation—State	\$	27,988,000
General Fund Appropriation—Federal	\$	78,000
Total Appropriation	\$	28,066,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Vendor rate increases shall average 2.0 percent on September 1, 1987, and 4.0 percent on September 1, 1988. Privately contracted group home providers shall provide for and assure payment of compensation for staff of no less than \$4.76 per hour beginning September 1, 1987, and \$5.15 per hour beginning September 1, 1988.

(b) The seven state-operated group homes shall collectively average 100 youths in residential status per month. Residential status includes youths in actual residence, those on leave up to 14 days, and those in the process of being transferred or paroled. If the average number of youths in residential status falls below 100 per month, the general fund—state support shall be reduced by an average monthly amount per resident as determined by the office of financial management.

(2) INSTITUTIONAL SERVICES

General Fund Appropriation—State	\$	44,385,000
General Fund Appropriation—Federal	\$	890,000
Total Appropriation	\$	45,275,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$536,000 of the general fund—state appropriation is provided solely for the implementation of a mentally ill offender unit at Echo Glen children's center.

(b) The department shall develop a ten-year plan to include operating and capital costs of using Green Hill school to house level I and the more serious level II offenders. The plan may include other viable options to handle the increasing numbers of violent offenders entering the juvenile rehabilitation institutions. The plan shall be presented to the ways and means committees of the senate and house of representatives by January 15, 1988.

(3) PROGRAM SUPPORT

General Fund Appropriation—State	\$	2,788,000
----------------------------------	----	-----------

NEW SECTION, Sec. 205. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—  
MENTAL HEALTH PROGRAM

(1) COMMUNITY SERVICES

General Fund Appropriation—State	\$	118,388,000
General Fund Appropriation—Federal	\$	40,738,000
General Fund Appropriation—Local	\$	1,580,000
Total Appropriation	\$	160,706,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Vendor rate increases shall average 2.0 percent on September 1, 1987, and 4.0 percent on September 1, 1988. Community mental health centers and residential services providers shall provide for and assure payment of compensation for staff of no less than \$4.76 per hour beginning September 1, 1987, and \$5.15 per hour beginning September 1, 1988.

(b) \$2,690,000, of which \$2,383,000 is from the general fund—state appropriation is provided solely for the Kitsap mental health services residential treatment alternative project. The state reimbursement rate shall not exceed \$200 per client day and treatment for individual clients shall not exceed 180 days. All eligible involuntary treatment referrals shall be made to the project. No involuntary treatment referrals of Kitsap county residents may be made to Western state hospital. The maximum reimbursement rate to Kitsap county hospitals shall be \$250 per day per patient. Within the amount provided in this subsection, in an effort to reduce commitments to psychiatric hospitals and evaluation and treatment facilities, \$500,000, of which \$443,000 is from the general fund—state appropriation, is provided solely for a Kitsap mental health services outreach case management team. The services provided shall include participation with the court in formulation of conditions of conditional release and less restrictive alternative placement, participation in development of an individualized treatment plan with the treatment team, assistance with housing, financial management, medication management, nutrition, system advocacy, mental health services and monitoring the person receiving treatment to ensure that the person abides by the requirements of the person's individualized treatment plan. The case managers shall be mental health professionals, or shall be supervised by mental health professionals as defined in RCW 71.05.020(11). Kitsap mental health services shall participate in the state and county client tracking system required by RCW 71.24.035(4)(h) and 71.24.045(6). Kitsap mental health services shall provide quarterly reports to the committees on ways and means of the senate and house of representatives describing the numbers and characteristics of clients served and the resulting diversions from psychiatric hospitals and evaluation and treatment facilities. In addition, the department shall present an annual report to the same legislative committees by January 1, 1988, and January 1, 1989, indicating progress made toward meeting the long-term residential bed needs of Kitsap county.

(c) \$4,375,000, of which \$3,500,000 is from the general fund—state appropriation, is provided solely for a state-wide pilot demonstration project as provided for in Second Substitute Senate Bill No. 5074. These funds include 2 percent for costs of administration for participating counties. The plan for the pilot project shall be developed by the department in cooperation with interested counties, mental health providers, other interested members of the community, and legislative staff and shall be submitted to the legislature by September 1, 1987. The plan shall include specific criteria for inclusion in the project for counties choosing to participate and shall meet the conditions set forth in Second Substitute Senate Bill No. 5074. The plan shall provide for evaluation of the effects of case management on the treatment of involuntarily committed persons. The evaluation shall incorporate an experimental design. Evaluation support of no more than \$125,000 of the general fund—state appropriation is from the emergency and technical assistance funds provided for in RCW 71.24.155. The plan shall assure that case management services are administered in a manner which recognizes client needs within the availability of funds provided in this subsection (d). If Second Substitute Senate Bill No. 5074 is not enacted by June 30, 1987, the amount provided in this subsection shall be provided solely for case management services for persons ordered to a fourteen-day less restrictive treatment setting as provided for in RCW 71.05.240.

(d) \$1,000,000 of the general fund—state appropriation is provided solely for the support of involuntary treatment act administration.

(e) The mental health division, in conjunction with county officials and other affected parties, shall develop a fair and equitable formula for distributing involuntary treatment act administration funding to counties. The formula shall incorporate workload estimates and any other relevant factors required to reflect actual county administration costs. The mental health division shall present the proposed formula to the ways and means committees of the senate and house of representatives by November 15, 1987. Implementation of the formula may take effect immediately after legislative review but no later than January 1, 1988. Of the funding provided in this section for involuntary treatment act administration, \$3,400,000 is placed in reserve status pending legislative review of the new formula. No county allocation of funds for fiscal year 1988 may be less than its fiscal year 1987 allocation. Counties shall continue to fund current maintenance of effort funding levels during the ensuing biennium.

(f) Grants to counties for community mental health programs shall total not less than \$55,957,000 of the general fund—state appropriation under RCW 71.24.155. Of this amount, \$2,000,000 is provided solely for expanded services to children.

(g) \$480,000 of the general fund—state appropriation is provided solely for continuation of the community psychiatric training program at the University of Washington.

(2) INSTITUTIONAL SERVICES

General Fund Appropriation—State .....	\$	150,711,000
General Fund Appropriation—Federal .....	\$	7,948,000
Total Appropriation .....	\$	158,659,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department shall prepare a transition plan for moving clients served by the program for adaptive living at Western state hospital into community residential facilities beginning on July 1, 1988. The transition plan shall include a list of qualified vendors and an appropriate amount of funding to be transferred from Western state hospital to cover the cost of establishing and operating community residential treatment beds. It is the intent of the legislature to provide community residential services in local noninstitutional settings. No other community residential programs may be established on the grounds of state mental institutions.

(b) \$300,000 of the general fund—state appropriation is provided solely for equipment and operating costs related to two additional PORTAL cottages on the Northern state hospital campus. Of this amount, a maximum of \$44,000 may be used to contract with local community mental health centers to provide services to clients who have exited the PORTAL program and reside locally in the community.

(c) The legislative budget committee shall evaluate the PORTAL program as to its treatment outcomes and general effectiveness. The legislative budget committee shall report its findings to the senate and house of representatives ways and means committees by December 1, 1987.

(3) PROGRAM SUPPORT

General Fund Appropriation—State .....	\$	3,477,000
General Fund Appropriation—Federal .....	\$	1,341,000
Total Appropriation .....	\$	4,818,000

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 non-profit agencies advocating for the mentally ill. Such funds are for providing technical assistance to state agencies, mental health education programs, outreach and family support, and self-help support groups.

(4) SPECIAL PROJECTS

General Fund Appropriation—Federal .....	\$	1,059,000
--	----	-----------

**NEW SECTION. Sec. 206. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—  
DEVELOPMENTAL DISABILITIES PROGRAM**

**(1) COMMUNITY SERVICES**

General Fund Appropriation—State .....	\$	79,041,000
General Fund Appropriation—Federal .....	\$	61,998,000
Total Appropriation .....	\$	141,039,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$278,000 of the general fund—state appropriation is provided solely for the deaf-blind service center.

(b) \$2,185,000 of the general fund—state appropriation and \$385,000 of the general fund—federal appropriation are provided solely to increase rates paid for county contracted employment services for developmentally disabled adults receiving such services as of July 1, 1987. No county administrative charge shall be deducted from the amount specified in this subparagraph.

(c) The division of developmental disabilities shall fund the DECOD dental program at the University of Washington with \$224,000 of the general fund—state appropriation.

(d) The secretary may transfer funds between the appropriations in subsections (1) and (2) of this section in order to provide program options as authorized in RCW 72.33.125. Any transfer of funds shall not reduce the level of services to existing clients.

(e) \$1,169,000 is appropriated solely for the division of developmental disabilities to contract for an additional twenty-four group home beds and associated services in King county.

(f) Vendor rate increases shall average 2.0 percent on September 1, 1987, and 4.0 percent on September 1, 1988. Respite care providers shall provide for and assure payment of compensation for staff of no less than \$4.76 per hour beginning September 1, 1987, and \$5.15 per hour beginning September 1, 1988.

**(2) INSTITUTIONAL SERVICES**

General Fund Appropriation—State .....	\$	100,635,000
General Fund Appropriation—Federal .....	\$	94,952,000
Total Appropriation .....	\$	195,587,000

**(3) SPECIAL PROJECTS**

General Fund Appropriation—Federal .....	\$	1,199,000
Total Appropriation .....	\$	1,199,000

**(4) PROGRAM SUPPORT**

General Fund Appropriation—State .....	\$	3,991,000
General Fund Appropriation—Federal .....	\$	479,000
Total Appropriation .....	\$	4,470,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) A maximum of \$46,000, of which \$38,000 is from the general fund—state appropriation, and two biennial full time equivalent staff may be transferred from the division of developmental disabilities to the administration and supporting services program to consolidate the social service payment system. If this transfer affects the comparability of historical expenditure information at the program, category, or budget-unit level, the department shall reconstruct historical data for the preceding six years.

(b) If Engrossed Second Substitute House Bill No. 221 is enacted by June 30, 1987, the department is authorized to expend the proceeds of the telecommunication devices for the deaf excise tax established under the bill for the distribution and maintenance of telecommunication devices, signal devices, and amplifying accessories to hearing-impaired persons as provided in the bill.

**NEW SECTION. Sec. 207. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—  
LONG-TERM CARE SERVICES**

General Fund Appropriation—State .....	\$	326,546,000
General Fund Appropriation—Federal .....	\$	331,586,000
Total Appropriation .....	\$	658,132,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall provide an integrated system of long-term care services which will allow for the most efficient, equitable, and appropriate use of available resources. The department shall endeavor to provide these services in the least restrictive and most cost-effective manner appropriate for individual clients.

(2) Vendor rate increases shall average 2.0 percent on September 1, 1987, and 4.0 percent on September 1, 1988, for the adult residential care, contracted chore, adult day health, and senior citizens services act programs.

(3) Department-contracted chore services shall provide for and assure payment of compensation for staff of no less than \$4.76 per hour beginning September 1, 1987, and \$5.15 per hour beginning September 1, 1988. Department reimbursement to clients for attendant care and services provided by the community options program entry system shall provide for and assure payment of a monthly rate equivalent to \$4.76 per hour for full time employment beginning September 1, 1987, and \$5.15 per hour for full time employment beginning September 1,



1988. If Engrossed Second Substitute House Bill No. 1006 is enacted before July 1, 1987, department-contracted nursing homes shall provide for and assure payment of compensation for staff of no less than \$4.76 per hour beginning January 1, 1988, and \$5.15 per hour beginning January 1, 1989.

(4) Nursing home rates shall be adjusted for inflation under RCW 74.46.495 by 3.7 percent on July 1, 1987 and 3.6 percent on July 1, 1988.

(5) \$650,000, of which \$312,000 is from the general fund—state appropriation, is provided solely for laundry services to state clients residing in skilled nursing facilities and intermediate care facilities.

(6) Grant payment standards shall be increased by 2.0 percent on September 1, 1987 and 4.0 percent on September 1, 1989, for adult residential care clients.

(7) \$1,090,000 of the general fund—state appropriation is provided solely for the respite care demonstration project.

(8) At least \$14,766,000 of the general fund—state appropriation shall be initially allotted for implementation of the senior citizens services act. At least 7 percent of the amount allotted for the senior citizens services act in each fiscal year shall be used for programs that utilize volunteer workers for the provision of chore services to persons whose need for chore services is not being met by the chore services program.

**NEW SECTION, Sec. 208. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—  
INCOME ASSISTANCE PROGRAM**

General Fund Appropriation—State .....	\$	465,361,000
General Fund Appropriation—Federal .....	\$	442,371,000
Total Appropriation .....	\$	907,732,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Vendor rate increases shall average 2.0 percent on September 1, 1987, and 4.0 percent on September 1, 1988.

(2) The department shall continue the aid to families with dependent children program for two-parent families through June 30, 1989.

(3) The department shall adopt by rule medical criteria for general assistance eligibility to ensure that eligibility decisions are consistent with statutory requirements and are based on clear, objective medical information.

(a) The process implementing such medical criteria shall involve consideration of opinions of the treating or consulting physicians or health care professionals regarding incapacity, and any eligibility decision which rejects uncontradicted medical opinion must set forth clear and convincing reasons for doing so.

(b) Recipients of general assistance who remain otherwise eligible shall not have their benefits terminated absent a clear showing of material improvement in their medical or mental condition or specific error in the prior determination that found the recipient eligible by reason of incapacitation.

(4) \$5,316,000, of which \$2,658,000 is from the general fund—state appropriation, is provided solely to increase day care, transportation, and other support services for participants in the opportunities program.

(5) Payment levels in the aid to families with dependent children, general assistance, and refugee assistance programs shall contain an energy allowance to offset the costs of energy and such allowance shall be excluded from consideration as income for the purpose of determining eligibility and benefit levels of the food stamp program to the maximum extent such exclusion is authorized under federal law and RCW 74.08.046. To this end, up to \$150,000,000 is so designated for exemptions of the following amounts:

Family size:	1	2	3	4	5	6	7	8 or more
Exemption:	\$30	39	46	56	63	72	84	92

(6) Persons who are unemployable due to alcohol or drug addiction who are not otherwise eligible for general assistance shall be referred to the alcoholism and drug addiction treatment and support program established by Substitute House Bill No. 646.

**NEW SECTION, Sec. 209. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—  
COMMUNITY SOCIAL SERVICES PROGRAM**

General Fund Appropriation—State .....	\$	62,580,000
General Fund Appropriation—Federal .....	\$	16,866,000
General Fund Appropriation—Local .....	\$	166,000
Total Appropriation .....	\$	79,612,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Vendor rate increases shall average 2.0 percent on September 1, 1987, and 4.0 percent on September 1, 1988.

(2) \$195,000 of the general fund—state appropriation is provided solely to increase the annual base level of grants for county alcohol and drug abuse treatment services to \$40,000 per county.

(3) \$24,565,000 of the general fund—state appropriation is provided solely for implementation of Substitute House Bill No. 646, establishing the alcohol and drug addiction treatment and support act. If Substitute House Bill No. 646 is not enacted by July 1, 1987, the funds in this subsection shall be transferred to the division of income assistance.

(4) The department shall provide shelter services under Substitute House Bill No. 646 to any individual requesting such services who meets the eligibility criteria established under that act.

(5) The department shall report to the appropriate committees of the legislature by January 5, 1988, on implementation of the alcohol and drug addiction treatment and shelter act. The report shall include at least the following information:

(a) The number of persons receiving client assessment services, including the number receiving assistance in the application process for supplemental security income benefits;

(b) The number of persons receiving treatment services, including the number receiving inpatient and outpatient treatment, and the number receiving a living allowance while undergoing outpatient treatment;

(c) The number of persons receiving shelter services and the type of shelter services provided;

(d) The number of applicants for general assistance payments referred to the program and the number of recipients of general assistance transferred to the program; and

(e) An assessment of the need to revise projected funding levels of \$2,700,000 for client assessment services, \$11,378,000 for treatment services, and \$10,487,000 for shelter services.

**NEW SECTION, Sec. 210. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—  
MEDICAL ASSISTANCE PROGRAM**

General Fund Appropriation—State .....	\$	528,288,000
General Fund Appropriation—Federal .....	\$	481,926,000
Total Appropriation .....	\$	1,010,214,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$13,864,000 of the general fund—state appropriation and \$16,927,000 of the general fund—federal appropriation are provided solely for an adult dental program for Title XIX categorically eligible and medically needy persons, effective January 1, 1988. If Substitute House Bill No. 1225 is enacted by June 30, 1987, the department shall by January 1, 1989, enroll 20,000 categorically eligible and medically needy persons in prepaid capitated dental programs.

(2) The department of social and health services may increase the medically needy income level under RCW 74.09.700 to the maximum level allowable for federal financial participation under Title XIX of the federal social security act within funds appropriated for this purpose.

(3) \$8,338,000 of the general fund—state appropriation and \$9,823,000 of the general fund—federal appropriation are provided solely for medical assistance for categorically needy pregnant women and children up to two years of age whose household income does not exceed 90 percent of the federal poverty level, whose resources do not exceed reasonable standards established by the department, and whose coverage qualifies for federal financial participation under Title XIX of the federal social security act. Any part of the amounts provided in this subsection which are not needed for the purposes of this subsection may be spent for the purposes outlined in subsection (2) of this section.

(4) Vendor rate increases shall average 2.0 percent on September 1, 1987, and 4.0 percent on September 1, 1988.

(5) \$3,000,000 of the general fund—state appropriation is provided solely for matching grants to hospitals under Engrossed Second Substitute House Bill No. 477. If the bill is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

(6) The department may provide payment for chiropractic services under RCW 74.09.035 and 74.09.520.

**NEW SECTION, Sec. 211. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—  
PUBLIC HEALTH PROGRAM**

General Fund Appropriation—State .....	\$	58,177,000
General Fund Appropriation—Federal .....	\$	73,551,000
General Fund Appropriation—Local .....	\$	8,025,000
Total Appropriation .....	\$	139,753,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Vendor rates shall be increased by 2.0 percent on September 1, 1987, and 4.0 percent on September 1, 1988.

(2) Public and private community health clinics providing dental services under this section shall give priority to populations that lack access to federally supported dental services. The department shall prepare contracts which implement this requirement.

(3) \$1,919,000 of the general fund—state appropriation is provided solely to carry out the department's responsibilities contained in the Puget Sound water quality plan and perform corresponding state-wide activities, including \$50,000 for a review of the alternative on-site sewage program at both the state and local levels. The review shall address, but not be limited

to, the process and procedures associated with the review and application of alternative systems. Recommendations shall include, but not be limited to:

- (a) Ways to expedite review of applications;
  - (b) Changes in rules and statutes to address unique alternative on-site system applications;
  - (c) Staffing and resources required to implement an effective alternative on-site program;
- and
- (d) Any additional issues that are necessary for an effective and efficient alternative on-site sewage system program.

The department shall report to the legislature no later than January 30, 1988.

(4) \$5,500,000 of the general fund—state appropriation is provided solely to continue prenatal care services for low-income pregnant women who do not qualify for full coverage under the medical assistance program.

(5) A maximum of \$86,842,000, of which \$24,437,000 is from the general fund—state appropriation, and 132 biennial full time equivalent staff may be transferred from the public health program to the division of children and family services to provide parent and child health services, dental health care for children, women, infant and children services, crippled children's services, nutrition services to children, family planning services, and program and category support services. If this transfer affects the comparability of historical expenditure information at the program, category, or budget-unit level, the department shall reconstruct historical data for the preceding six fiscal years.

(6) \$3,100,000 of the general fund—state appropriation is provided solely to continue the kidney disease program.

(7) \$300,000 of the general fund—state appropriation is provided solely to enhance high-risk infant tracking.

(8) \$41,000 of the general fund—state appropriation is provided solely to expand PKU testing.

(9) \$1,500,000, of which \$300,000 is from the general fund—state appropriation, is provided solely for enhancing the women, infants, and children programs.

**NEW SECTION, Sec. 212. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—  
VOCATIONAL REHABILITATION PROGRAM**

General Fund Appropriation—State .....	\$	13,583,000
General Fund Appropriation—Federal .....	\$	32,654,000
Total Appropriation .....	\$	46,237,000

The appropriations in this section are subject to the following condition and limitations: Vendor rates shall be increased by 2.0 percent on September 1, 1987, and 4.0 percent on September 1, 1988.

**NEW SECTION, Sec. 213. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—  
ADMINISTRATION AND SUPPORTING SERVICES PROGRAM**

General Fund Appropriation—State .....	\$	46,280,000
General Fund Appropriation—Federal .....	\$	32,045,000
Institutional Impact Account Appropriation .....	\$	78,000
Total Appropriation .....	\$	78,403,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$108,000 of the general fund—state appropriation is transferred within the office of constituent relations for an additional 2 biennial FTE staff for the office of the long-term care ombudsman.

(2) \$1,000,000 of the general fund—state appropriation and \$1,000,000 of the general fund—federal appropriation may be transferred from sections referenced in section 202(7) of this act solely for the evaluation of the aid to families with dependent children and the family independence programs as provided in Engrossed Second Substitute House Bill No. 448. The department may contract with objective independent evaluators subject to legislative budget committee approval, as specified in Engrossed Second Substitute House Bill No. 448. The department shall contract with the Washington state institute for public policy to conduct a longitudinal study of public assistance recipients. \$652,000 of the general fund—state moneys and \$652,000 of the general fund—federal moneys provided in this subsection are provided solely for the longitudinal study.

(3) If House Bill No. 1239, transferring caseload forecasting functions to the economic and revenue forecast council, is enacted by June 30, 1987, \$500,000 of the general fund—state appropriation shall be transferred to the department of revenue.

**NEW SECTION, Sec. 214. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—  
COMMUNITY SERVICES ADMINISTRATION PROGRAM**

General Fund Appropriation—State .....	\$	156,570,000
General Fund Appropriation—Federal .....	\$	174,029,000
General Fund Appropriation—Local .....	\$	705,000
Total Appropriation .....	\$	331,304,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$283,000 of the general fund—state appropriation and \$270,000 of the general fund—federal appropriation are provided solely for administrative costs associated with the

provision of medical assistance to categorically needy pregnant women and children up to two years of age whose household income does not exceed 90 percent of the federal poverty level, whose incomes do not exceed reasonable standards established by the department, and whose coverage qualifies for federal financial participation under Title XIX of the federal social security act.

(2) \$4,922,000, of which \$2,461,000 is from the general fund—state appropriation, is provided solely to increase services for participants in the opportunities program.

(3) \$69,000 of the general fund—state appropriation and \$70,000 of the general fund—federal appropriation are provided solely for discharge planning case management for clients in nursing homes, congregate care facilities, and adult family homes.

(4) \$708,000 of the general fund—state appropriation is provided solely for establishing a supplemental security income referral pilot program as provided for in Engrossed Substitute House Bill No. 665.

(5) A maximum of \$554,000, of which \$460,000 is from the general fund—state appropriation, and 14.2 biennial full time equivalent staff may be transferred from the community services administration program to the administration and supporting services program to consolidate the social service payment system.

(6) If any transfer under this section affects the comparability of historical expenditure information at the program, category or budget-unit level, the department shall reconstruct historical data for the preceding six fiscal years.

(7) The department shall submit a plan to the human services committees of the senate and house of representatives by January 15, 1988, regarding continuation of services provided at its satellite office at 2106 Second Avenue, Seattle. The plan shall identify any proposed changes to the service level in effect on July 1, 1988, and methods of assuring reasonable access to a full array of services for area clients.

(8) \$350,000 of the general fund—state appropriation is provided solely for providing matching grants on a one-to-one state/local basis to regional health councils as established in RCW 70.38.085, or to the successor agencies. Grants shall be distributed equitably on the basis of need in order to preserve regional health planning.

**NEW SECTION. Sec. 215. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—REVENUE COLLECTIONS PROGRAM**

General Fund Appropriation—State .....	\$	25,749,000
General Fund Appropriation—Federal .....	\$	51,135,000
General Fund Appropriation—Local .....	\$	200,000
Total Appropriation .....	\$	77,084,000

**NEW SECTION. Sec. 216. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—PAYMENTS TO OTHER AGENCIES PROGRAM**

General Fund Appropriation—State .....	\$	28,259,000
General Fund Appropriation—Federal .....	\$	13,945,000
Total Appropriation .....	\$	42,204,000

**NEW SECTION. Sec. 217. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT**

General Fund Appropriation—State .....	\$	32,765,000
General Fund Appropriation—Federal .....	\$	143,939,000
Building Code Council Account Appropriation .....	\$	407,000
Fire Service Training Account Appropriation .....	\$	500,000
Low Income Weatherization Account Appropriation .....	\$	4,000,000
Total Appropriation .....	\$	181,611,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,576,000 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.

(2) \$100,000 of the general fund—state appropriation may be used for increased department administrative staff if the department receives federal grants in excess of \$1,000,000 under U.S. House of Representatives Resolution 558. If the department does not receive grants of at least \$1,000,000, the amount provided in this subsection shall lapse.

(3) \$12,136,000 of the general fund—state appropriation is provided solely for early childhood education and assistance programs under Substitute Senate Bill No. 5476 or Engrossed Second Substitute House Bill No. 456. These moneys shall be used to provide services to at least 2,000 children. If neither bill is enacted by June 30, 1987, the amount provided in this subsection shall lapse.

(4) The department shall 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.

(5) \$325,000 of the general fund—state appropriation is provided solely for pilot demonstrations and development of model vocational programs, including a study of a technology demonstration skills center, in Lewis county.

(6) \$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 June 30, 1987, the amounts provided in this subsection shall lapse.

(7) 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.

(8) \$360,000 of the general fund—state appropriation is provided solely for grants to three nonprofit agencies and local government agencies for local reemployment centers. In order to provide a breadth of experience and geographic dispersion, one center shall be located in King county, one center shall be located in a southwest Washington county in which the unemployment rate was at least 20 percent above the state average during the preceding calendar year, and one center shall be located in an eastern Washington standard metropolitan statistical area in which the unemployment rate was at least 20 percent above the state average during the preceding calendar year. Each center shall provide direct and referral services to the unemployed. These services may include reemployment assistance, medical services, social services including marital counseling, psychotherapy, mortgage foreclosure and utility problem counseling, drug and alcohol abuse counseling, credit counseling, and other services deemed appropriate. These services are designed to supplement and not supplant the on-going efforts of local job centers administered by the employment security department. Each grant recipient must match state dollars on a one-for-one basis with non-state dollars.

(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.

(10) \$100,000 of the general fund—state appropriation is provided solely to implement Substitute House Bill No. 430. If the bill is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

(11) \$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.

(12) \$250,000 of the general fund—state appropriation is provided solely for the border town impact mitigation program.

(13) \$25,000 is provided solely for the purpose of implementing Engrossed Second Substitute Senate Bill No. 5252. If Engrossed Second Substitute Senate Bill No. 5252 is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

(14) In addition to the fee imposed under RCW 19.27.085, there is imposed through June 30, 1989, a fee of two dollars on each building permit issued by a county or a city. Quarterly, each county and city shall remit moneys collected under this subsection to the state treasury for deposit in the building code council account. However, no remittance is required until at least fifty dollars has accumulated pursuant to this subsection.

(15) \$187,000 of the general fund—state appropriation is provided solely for technical assistance to Okanogan county for the preparation of plans and permits relating to winter sports facilities development.

**NEW SECTION. Sec. 218. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

General Fund Appropriation—State	\$	17,889,000
General Fund Appropriation—Federal	\$	4,690,000
General Fund Appropriation—Local	\$	6,167,000
Total Appropriation	\$	28,746,000

**NEW SECTION. Sec. 219. FOR THE HUMAN RIGHTS COMMISSION**

General Fund Appropriation—State	\$	3,199,000
General Fund Appropriation—Federal	\$	964,000
Total Appropriation	\$	4,163,000

**NEW SECTION. Sec. 220. FOR THE DEATH INVESTIGATION COUNCIL**

Death Investigations Account Appropriation	\$	5,000
--	----	-------

**NEW SECTION. Sec. 221. FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS**

Public Safety and Education Account Appropriation	\$	176,000
Accident Fund Appropriation	\$	6,015,000
Medical Aid Fund Appropriation	\$	6,015,000
Total Appropriation	\$	12,206,000

**NEW SECTION. Sec. 222. FOR THE CRIMINAL JUSTICE TRAINING COMMISSION**

Death Investigations Account Appropriation	\$	32,000
Public Safety and Education Account Appropriation	\$	7,866,000

Total Appropriation ..... \$ 7,898,000

The appropriations in this section are subject to the following conditions and limitations: \$68,000 of the public safety and education account appropriation is provided solely for one-time costs associated with conversion to an incident-based uniform crime reporting system. Expenditure of these funds is contingent upon receipt of federal matching funds equal to or greater than \$68,000.

**NEW SECTION, Sec. 223. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES**

General Fund Appropriation .....	\$	8,384,000
Public Safety and Education Account Appropriation .....	\$	10,866,000
Accident Fund Appropriation .....	\$	85,037,000
Electrical License Fund Appropriation .....	\$	9,620,000
Farm Labor Revolving Account Appropriation .....	\$	292,000
Medical Aid Fund Appropriation .....	\$	81,983,000
Plumbing Certificate Fund Appropriation .....	\$	640,000
Pressure Systems Safety Fund Appropriation .....	\$	1,111,000
Worker and Community Right to Know Fund Appropriation .....	\$	2,059,000
Total Appropriation .....	\$	199,992,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall study the feasibility of establishing an independent ombuds office to aid employers and employees, including self-insured employees, in dealing with the workers' compensation system. The study shall include an evaluation of the need for the office, the recommended functions of the office, and the mechanisms for oversight and funding. The department shall submit its findings and recommendations to the commerce and labor committees of the senate and house of representatives by January 11, 1988.

(2) The department shall evaluate the effectiveness of the workers' compensation vocational rehabilitation program, including the effectiveness of a worker resource center to provide injured worker adjustment services. The study shall be conducted in consultation with the workers' compensation advisory committee and interested groups representing injured workers, labor, and employers. The department shall submit its findings and recommendations to the commerce and labor committees of the senate and house of representatives by January 11, 1988.

(3) The department shall study, in cooperation with the employment security department and the department of social and health services, the potential impact in the state of a state minimum wage based on ninety percent of the federal poverty level. The results of the study shall be submitted to the commerce and labor committees of the senate and house of representatives by January 11, 1988.

(4) The department shall prepare a report on workers' compensation caseload information including, but not limited to, the average number of claims by type by adjudicator compared to optimal caseloads used in the private sector and any recommendations concerning improvement of caseloads. The report shall be submitted to the commerce and labor committees of the senate and house of representatives by January 11, 1988.

**NEW SECTION, Sec. 224. FOR THE INDETERMINATE SENTENCE REVIEW BOARD**

General Fund Appropriation .....	\$	4,042,000
----------------------------------	----	-----------

The appropriation in this section is subject to the following conditions and limitations:

(1) \$166,000 is provided solely for payments to private attorneys representing indigent parolees.

(2) \$727,000 is provided solely for addressing inmate litigation resulting from the transition from the indeterminate sentencing laws to the determinate sentencing laws and to enable the board to review all remaining cases falling under the indeterminate sentencing laws.

(3) Of the amount provided in subsection (2) of this section, \$363,500 shall be placed in reserve status until the legislature authorizes its release. The board shall report to the legislature on January 1, 1988, regarding its progress toward completing at least one-half of the workload outlined in subsection (2) of this section. It is the intent of the legislature that the indeterminate sentencing review board terminate on June 30, 1989, and any remaining functions transfer to the department of corrections and the judiciary.

**NEW SECTION, Sec. 225. FOR THE HOSPITAL COMMISSION**

General Fund Appropriation .....	\$	1,948,000
Hospital Commission Account Appropriation .....	\$	1,420,000
Total Appropriation .....	\$	3,368,000

**NEW SECTION, Sec. 226. FOR THE EMPLOYMENT SECURITY DEPARTMENT**

General Fund Appropriation—State .....	\$	5,700,000
General Fund Appropriation—Federal .....	\$	146,257,000
General Fund Appropriation—Local .....	\$	18,373,000
Administrative Contingency Fund		
Appropriation—Federal .....	\$	6,918,000
Unemployment Compensation Administration Fund Appropria-		
tion—Federal .....	\$	110,569,000

Employment Service Administration Account Appropriation—Federal.....	\$	2,334,000
Total Appropriation.....	\$	290,151,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall submit a plan to the commerce and labor committees of the senate and house of representatives by January 15, 1988, regarding continuation of services provided at its satellite office at 2106 Second Avenue, Seattle. The plan shall identify any proposed changes to the service level in effect on July 1, 1988, and methods of assuring reasonable access to a full array of services for area clients.

(2) The department shall produce local area labor market information packages for the state's economically distressed counties.

(3) The department shall produce an annual state economic report to the legislature and the governor that includes but is not limited to:

(a) Identification and analysis of industries in the United States, Washington state, and local labor markets with high levels of seasonal, cyclical, and structural unemployment;

(b) The industries and local labor markets with plant closures and mass lay-offs and the number of affected workers;

(c) An analysis of the major causes of plant closures and mass lay-offs;

(d) The number of dislocated workers and persons who have exhausted their unemployment benefits, classified by industry, occupation, and local labor markets;

(e) The experience of the unemployed in their efforts to become reemployed. This should include research conducted on the continuous wage and benefit history;

(f) Five-year industry and occupational employment projections; and

(g) Annual and hourly average wage rates by industry and occupation.

(4) The department shall establish a counter-cyclical employment program.

(a) This program shall provide employment for unemployed forest product workers. "Forest products industries" means industries within the standard industrial classification code numbers 8, 24, and 26. The program shall operate, on a pilot basis in two locations in Washington state, with preference given to distressed areas in the state.

(b) Eligibility for employment under the counter-cyclical employment program shall occur only upon exhaustion of unemployment insurance benefits received upon termination of employment in the Washington forest products industry and eligibility shall be limited to only those persons who are either currently unemployed, employed part time, or whose employment in the Washington forest products industry was terminated within the previous year. No one shall be employed by the program for longer than six months in a two-year period, except as to administrative and supervisory employees.

(c) The program shall begin after completion of two consecutive quarters of below-average employment in forest products industries in Washington state and shall cease sixty days after the completion of two consecutive quarters of above-average timber products employment in Washington state. If, on the effective date of this act, forest products employment in the state has been below average for two consecutive quarters, the program shall begin immediately. In order to determine average forest products employment, the department shall calculate the trend of forest products employment in Washington state by the number of forest products employees, as reported by the department, during the fifteen years prior to the date the calculation is made. "Average forest products employment" means the level of employment indicated by this trend line.

(d) Employment under the counter-cyclical employment program shall consist of activities which enhance the value of state, county, and local government lands and waters and associated improvements, with priority given to enhancing state lands and waters. Eligible activities shall include, but are not limited to, thinning, slash removal, reforestation, fire suppression, trail maintenance, maintenance of recreational facilities, dike repair, tourist facilities, stream enhancement, water quality enhancement, irrigation repair, and the building of shellfish beds.

(e) Employees under the counter-cyclical employment program, except administrative employees, shall not be considered state employees for the purposes of existing provisions of law with respect to hours of work, sick leave and civil service. Employees under the program shall receive the same medical and dental benefits and holiday and vacation benefits as state employees. Compensation for employees under the counter-cyclical employment program shall be at least eight dollars per hour of employment, except as to administrative and supervisory personnel. Employment under the program shall not result in the displacement or partial displacement, such as reduction of hours of nonovertime work, wages, or other employment benefits, of currently employed workers, including but not limited to state civil service employees, or of currently or normally contracted services. 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.

(f) The department shall administer the program in consultation with the state natural resource agencies. The employment security department may enter into contracts and agreements with state agencies and private and public individuals and organizations to carry out the program.

(5) \$120,000 of the administrative contingency fund—federal appropriation is provided solely for a reemployment bonus demonstration project, contingent on the availability of federal or private funding of no less than \$500,000. The employment security department shall evaluate the effectiveness of the reemployment bonus in returning unemployed workers to employment and report to the commerce and labor committees of the senate and house of representatives by January 15, 1989. If federal or private moneys do not become available before June 30, 1988, the amount provided in this subsection shall lapse.

**NEW SECTION, Sec. 227. FOR THE DEPARTMENT OF SERVICES FOR THE BLIND**

General Fund Appropriation—State	\$	2,357,000
General Fund Appropriation—Federal	\$	4,862,000
Total Appropriation	\$	7,219,000

The appropriations in this section are subject to the following conditions and limitations: \$11,000 in fiscal year 1988 and \$11,000 in fiscal year 1989 is provided for support of the deaf-blind service center.

**NEW SECTION, Sec. 228. FOR THE CORRECTIONS STANDARDS BOARD**

General Fund Appropriation—State	\$	185,000
General Fund Appropriation—Federal	\$	20,000
Total Appropriation	\$	205,000

**NEW SECTION, Sec. 229. FOR THE SENTENCING GUIDELINES COMMISSION**

General Fund Appropriation	\$	525,000
----------------------------	----	---------

**NEW SECTION, Sec. 230. FOR THE WASHINGTON BASIC HEALTH PLAN**

General Fund Appropriation	\$	19,109,000
----------------------------	----	------------

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely to develop and operate the basic health plan under Engrossed Second Substitute House Bill No. 477. If the bill is not enacted by June 30, 1987, this appropriation shall lapse.

**PART III**

**NATURAL RESOURCES**

**NEW SECTION, Sec. 301. FOR THE STATE ENERGY OFFICE**

General Fund Appropriation—State	\$	1,874,000
General Fund Appropriation—Federal	\$	16,528,000
General Fund Appropriation—Private/Local	\$	20,000
Geothermal Account Appropriation—Federal	\$	45,000
Building Code Council Account Appropriation	\$	632,000
Total Appropriation	\$	19,099,000

The appropriations in this section are subject to the following conditions and limitations: \$40,000 of the general fund—state appropriation is provided solely to contract with the institute for public policy at The Evergreen State College to complete a comprehensive state hydropower study. The study shall: (1) Be developed in consultation with other state agencies (2) be completed by December 1, 1987, and (3) result in recommendations for a state hydro-power plan for the balanced protection and development of the state's waterways.

**NEW SECTION, Sec. 302. FOR THE COLUMBIA RIVER GORGE COMMISSION**

General Fund Appropriation—State	\$	463,000
General Fund Appropriation—Private/Local	\$	468,000
Total Appropriation	\$	931,000

**NEW SECTION, Sec. 303. FOR THE DEPARTMENT OF ECOLOGY**

General Fund Appropriation—State	\$	51,666,000
General Fund Appropriation—Federal	\$	59,846,000
General Fund Appropriation—Private/Local	\$	398,000
Hazardous Waste Control and Elimination Account Appropriation	\$	2,616,000
Flood Control Account Appropriation	\$	3,999,000
Wood Stove Public Education Account Appropriation	\$	366,000
Special Grass Seed Burning Research Account Appropriation	\$	40,000
Reclamation Revolving Account Appropriation	\$	836,000
Emergency Water Project Revolving Account Appropriation: Appropriated pursuant to chapter 1, Laws of 1977 ex. sess.	\$	175,000
Litter Control Account Appropriation	\$	6,395,000
State and Local Improvements Revolving Account—Waste Disposal Facilities: Appropriated pursuant to chapter 127, Laws of 1972 ex. sess. (Referendum 26)	\$	761,000
State and Local Improvements Revolving Account—Waste Disposal Facilities 1980: Appropriated pursuant to chapter 159, Laws of 1980 (Referendum 39)	\$	2,095,000
State and Local Improvements Revolving Account—Water Supply Facilities: Appropriated pursuant to chapter 234, Laws of 1979 ex. sess. (Referendum 38)	\$	1,071,000
Stream Gaging Basic Data Fund Appropriation	\$	139,000
Tire Recycling Account Appropriation	\$	548,000



Water Quality Account Appropriation . . . . .	\$	2,398,000
Workers and Community Right to Know Fund Appropriation . . . . .	\$	229,000
Total Appropriation . . . . .	\$	133,578,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall implement the Nisqually river task force recommendations. \$150,000 of the general fund—state appropriation is provided solely for this purpose.

(2) \$75,000 of the general fund—state appropriation is provided solely for a wetlands restoration planning project. These funds may not be expended unless matched by a minimum of \$150,000 in federal, local, or private money.

(3) \$985,000 of the general fund—state appropriation is provided solely for allocation to local air pollution control authorities.

(4) The appropriation from the wood stove public education account is contingent upon the enactment of House Bill No. 16. If the bill is not enacted by June 30, 1987, this appropriation shall lapse.

(5) \$9,250,000 of the general fund—state appropriation is provided solely to carry out the department's responsibilities contained in the Puget Sound water quality plan and perform corresponding state-wide water quality activities

(6) \$715,000 of the general fund—state appropriation is provided for the purposes of solid waste management.

(7) \$553,000 of the general fund—state appropriation is provided solely for implementing the timber, fish, and wildlife agreement. If Senate Bill No. 5845 is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

(8) If House Bill No. 434 is enacted by June 30, 1987, the appropriation from the hazardous waste control and elimination account shall lapse.

(9) \$225,000 of the general fund—state appropriation and \$50,000 of the hazardous waste control and elimination account appropriation are provided solely to: (a) Contract with the University of Washington college of ocean and fisheries sciences to develop a damage assessment methodology for determining damages as a result of oil spills, (b) contract with the department of community development to design a model oil spill contingency plan.

(10) Within the general fund appropriation, the department shall prepare penalty regulations for waste disposal permit violations, including minimum penalties, based upon severity and frequency of violation.

(11) \$302,000 of the general fund—state appropriation is provided solely for operating the Padilla Bay estuarine sanctuary interpretive center.

(12) Within the general fund appropriation, the department shall phase out state hazardous waste remedial action sites currently in progress and meet emergency response actions. This subsection does not apply if House Bill No. 434 is enacted by June 30, 1987.

(13) \$288,000 of the general fund—state appropriation is provided solely to implement Senate Bill No. 5570. If the bill is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 304. FOR THE ENERGY FACILITY SITE EVALUATION COUNCIL**

General Fund Appropriation—Federal . . . . .	\$	57,000
General Fund Appropriation—Private/Local . . . . .	\$	2,726,000
Total Appropriation . . . . .	\$	2,783,000

**NEW SECTION. Sec. 305. FOR THE STATE PARKS AND RECREATION COMMISSION**

General Fund Appropriation—State . . . . .	\$	35,258,000
General Fund Appropriation—Federal . . . . .	\$	999,000
General Fund Appropriation—Private/Local . . . . .	\$	745,000
Trust Land Purchase Account Appropriation . . . . .	\$	8,784,000
Winter Recreation Parking Account Appropriation . . . . .	\$	322,000
Snowmobile Account Appropriation . . . . .	\$	922,000
Public Safety and Education Account Appropriation . . . . .	\$	10,000
ORV (Off-Road Vehicle) Appropriation . . . . .	\$	159,000
Motor Vehicle Fund Appropriation . . . . .	\$	1,000,000
Total Appropriation . . . . .	\$	48,199,000

The appropriations in this section are subject to the following conditions and limitations: \$416,000 of the general fund—state appropriation is provided solely for carrying out the Puget Sound water quality plan.

**NEW SECTION. Sec. 306. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

Outdoor Recreation Account Appropriation—State . . . . .	\$	1,638,000
Outdoor Recreation Account Appropriation—Federal . . . . .	\$	108,000
Total Appropriation . . . . .	\$	1,746,000

The appropriations in this section are subject to the following conditions and limitations: The committee shall coordinate the preparation of a comprehensive guide of recreation trails in the state of Washington. The guide shall include maps showing the location of recreation trails and may also include information regarding available facilities and recreational opportunities. All state agencies that maintain public recreational trails shall cooperate with the preparation of the comprehensive guide. The committee shall also solicit the cooperation of

federal agencies that maintain public recreational trails within the state. The committee shall submit a plan for the production and distribution of the guide to the legislature by January 1, 1988.

**NEW SECTION, Sec. 307. FOR THE ENVIRONMENTAL HEARINGS OFFICE**

General Fund Appropriation ..... \$ 842,000

**NEW SECTION, Sec. 308. FOR THE CONSERVATION COMMISSION**

General Fund Appropriation ..... \$ 602,000

The appropriation in this section is subject to the following conditions and limitations: \$182,000 of the general fund appropriation is provided solely for carrying out the Puget Sound water quality plan.

**NEW SECTION, Sec. 309. FOR THE PUGET SOUND WATER QUALITY AUTHORITY**

General Fund Appropriation ..... \$ 2,910,000

Water Quality Account Appropriation ..... \$ 1,100,000

Total Appropriation ..... \$ 4,010,000

**NEW SECTION, Sec. 310. FOR THE DEPARTMENT OF FISHERIES**

General Fund Appropriation—State ..... \$ 47,465,000

General Fund Appropriation—Federal ..... \$ 14,057,000

General Fund Appropriation—Private/Local ..... \$ 3,651,000

Aquatic Lands Enhancement Account Appropriation ..... \$ 425,000

Total Appropriation ..... \$ 65,598,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$106,000 of the general fund—state appropriation is provided solely for carrying out the Puget Sound water quality plan.

(2) \$40,000 of the general fund—state appropriation is provided solely for the purposes of reintroducing an early coho salmon run to the Tilton river and Winston creek.

(3) \$587,000 of the general fund—state appropriation is provided solely for implementing the timber, fish, and wildlife agreement. If Senate Bill No. 5845 is not enacted by July 1, 1987, the amount provided in this subsection shall lapse.

(4) \$150,000 of the general fund—state appropriation is provided solely for shellfish enforcement on Hood Canal.

(5) \$150,000 of the aquatic lands enhancement account appropriation is provided solely for the preparation of an ecological impact statement on the guidelines for the management of salmon net pens in Puget Sound.

(6) The department shall present to the natural resource committees of the senate and house of representatives no later than February 1988 a report on the department's watershed plan, with specific identification of the benefits associated with the Queets hatchery and other Indian tribal agreements.

(7) \$194,000 of the general fund—state appropriation may be expended for additional feed for the Deschutes hatchery.

(8) \$400,000 of the general fund—state appropriation is provided solely for the purpose of a comprehensive biological study conducted by the department in conjunction with the University of Washington and Grays Harbor community college to determine what is affecting the survival of salmon in the Grays Harbor area.

(9) \$150,000 of the general fund—state appropriation is provided solely to maintain and operate the Toutle river fish collection facility.

**NEW SECTION, Sec. 311. FOR THE DEPARTMENT OF GAME**

ORV (Off-Road Vehicle) Account Appropriation ..... \$ 256,000

Aquatic Lands Enhancement Account Appropriation ..... \$ 275,000

Public Safety and Education Account Appropriation ..... \$ 515,000

Game Fund Appropriation—State ..... \$ 36,821,000

Game Fund Appropriation—Federal ..... \$ 15,142,000

Game Fund Appropriation—Private/Local ..... \$ 1,856,000

Game Fund—Special Wildlife Account Appropriation ..... \$ 423,000

Total Appropriation ..... \$ 55,288,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall, in carrying out its responsibilities under the timber, fish, and wildlife agreement, accomplish the following:

(a) Perform the necessary data collection, research, and monitoring programs which examine the differences, and make provisions for those differences, between eastern and western Washington; and

(b) Conduct a study on the department's cooperative road closure program and land-owner education program in eastern Washington.

(2) Of the \$8,000,000 general fund—state appropriation in chapter .... (E2SHB 758), Laws of 1987, \$711,000 is provided solely for implementation of the timber, fish, and wildlife agreement and \$59,000 is provided solely for carrying out the Puget Sound water quality plan.

**NEW SECTION, Sec. 312. FOR THE DEPARTMENT OF NATURAL RESOURCES**

General Fund Appropriation—State ..... \$ 36,170,000

General Fund Appropriation—Federal ..... \$ 78,000

General Fund Appropriation—Private/Local .....	\$	20,000
ORV (Off-Road Vehicle) Account Appropriation—Federal .....	\$	3,086,000
Geothermal Account Appropriation—Federal .....	\$	16,000
Forest Development Account Appropriation .....	\$	21,136,000
Survey and Maps Account Appropriation .....	\$	773,000
Aquatic Land Dredged Material Disposal Site Account Appropriation .....	\$	106,000
Landowner Contingency Forest Fire Suppression Account Appropriation .....	\$	1,636,000
Resource Management Cost Account Appropriation .....	\$	52,495,000
Total Appropriation .....	\$	115,516,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,706,000 of the general fund—state appropriation is provided solely for the emergency fire suppression subprogram.

(2) \$2,649,000 of the general fund—state appropriation is provided solely for implementing the provisions of the timber fish wildlife agreement. This amount is contingent on: (a) The department reorganizing existing staff in the forest practices subprogram so that the majority of the staff positions are dedicated to regulating forest practices and are not responsible for state land management; and (b) the enactment of Senate Bill No. 5845. If the bill is not enacted by July 1, 1987, this amount shall lapse.

(3) \$270,000 of the general fund—state appropriation is provided solely for the department's responsibilities in implementing the recommendations contained in the Puget Sound water quality plan.

(4) From the resource management cost account and general fund—state appropriations in this section, the department shall create an additional one hundred full time equivalent jobs, providing employment opportunities for a total of 200 people, 50 each for a period not to exceed six months, under the provisions of the employment security department's counter-cyclical employment program in section 226 of this act. These jobs shall pay at least eight dollars per hour, excluding benefits. Work performed under this subsection must provide economic benefits to state trust lands.

(5) \$193,000 of the general fund—state and the aquatic land dredged material disposal site account appropriations are provided solely for the purposes of Senate Bill No. 5501. If the bill is not enacted by June 30, 1987, this appropriation shall lapse.

(6) \$100,000 of the general fund—state appropriation is provided solely for interim relocation of all department staff presently located in the John A. Cherberg building. The department shall vacate the John A. Cherberg building no later than February 29, 1988.

**NEW SECTION, Sec. 313. FOR THE DEPARTMENT OF AGRICULTURE**

General Fund Appropriation—State .....	\$	16,021,000
General Fund Appropriation—Federal .....	\$	601,000
Feed and Fertilizer Account Appropriation .....	\$	22,000
Fertilizer, Agricultural, Mineral and Lime Fund Appropriation .....	\$	455,000
Commercial Feed Fund Appropriation .....	\$	409,000
Seed Fund Appropriation .....	\$	979,000
Nursery Inspection Fund Appropriation .....	\$	1,011,000
Livestock Security Interest Account Appropriation .....	\$	34,000
Total Appropriation .....	\$	19,532,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$48,000 of the general fund—state appropriation is provided solely for carrying out the water quality plan.

(2) \$53,000 of the general fund—state appropriation is provided solely for the control of starlings as a part of the predatory animal control program.

(3) \$20,000 of the general fund—state appropriation is provided solely to purchase poultry disease diagnostic laboratory equipment through a cooperative agreement with Washington State University.

(4) \$120,000 of the general fund—state appropriation is provided solely for the continuation of the brucellosis vaccination program.

(5) \$200,000 of the general fund—state appropriation is provided solely for enhancement of the noxious weed control program.

(6) \$50,000 of the general fund—state appropriation is provided for disposal of hazardous waste pesticides.

(7) \$200,000 of the general fund—state appropriation is provided solely to initiate a marketing program for Washington-bred horses.

(8) \$80,000 of the general fund—state appropriation is provided solely for the aquaculture program.

**NEW SECTION, Sec. 314. FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT**

General Fund Appropriation .....	\$	23,650,000
Motor Vehicle Fund Appropriation .....	\$	532,000
Total Appropriation .....	\$	24,182,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$600,000 of the general fund appropriation is provided solely for the business assistance center. The center, in concert with participating state agencies, shall develop a reporting system to document the work and results of state business assistance programs. The center shall forward annual reports to the ways and means committees of the house of representatives and senate, the trade and economic development committee of the house of representatives and the commerce and labor committee of the senate, including but not limited to jobs created, investment generated, and measures of technical assistance provided and other program activities.

(2) \$195,000 of the general fund appropriation is provided solely for contracts with Washington State University small business development center programs. State funds for small business development center programs in Lewis county shall not be reduced from the level provided in the 1985-1987 biennium.

(3) \$625,000 of the general fund appropriation is provided solely for contracts with the small business export finance assistance center of Washington. At least \$100,000 of the amount provided in this subsection shall be used by the department and the small business export finance assistance center for the development of a coordinated outreach program for trade information services and export finance assistance. In developing this program, the department and the small business export finance assistance center shall work with the business assistance center, ports, and other users and suppliers of trade services.

(4) The department shall analyze market trends and investment opportunities in at least eight key sectors of the Washington economy. The department shall publish five-year projections of selected mature and growth industries with current or potentially large impacts on the state economy, including barriers to competitiveness, potential market niches, investment trends, and their relationship to state economic development efforts. The department shall work in concert with the Washington state economic development board, the department of community development, CENTRAFOR, IMPACT, the employment security department, and the private sector to develop these industry studies and to analyze strategies for the retention and development of high-wage jobs.

(5) The following amounts of the general fund appropriation are provided solely for matching funds to equal amounts of private-sector, federal, and in-kind contributions:

(a) Washington high technology center, \$7,000,000; and

(b) Center for international trade in forest products, \$297,000.

(6) \$225,000 of the general fund appropriation is provided solely for preparation, if warranted, of a proposal to the federal department of energy that the proposed superconducting supercollider be located in Washington state.

**NEW SECTION, Sec. 315. FOR THE ECONOMIC DEVELOPMENT BOARD**

General Fund Appropriation—State .....	\$	666,000
General Fund Appropriation—Private/Local .....	\$	100,000
Total Appropriation .....	\$	766,000

**NEW SECTION, Sec. 316. FOR THE WASHINGTON CENTENNIAL COMMISSION**

General Fund Appropriation .....	\$	7,377,000
State Centennial Commission Account Appropriation .....	\$	2,540,000
Total Appropriation .....	\$	9,917,000

The appropriations in this section are subject to the following conditions and limitations:

(1) State agencies, at the request of the centennial commission, may develop programs or activities related to the Washington state centennial. Agencies that develop programs or activities in conjunction with the centennial commission shall not charge the commission for overhead or administrative costs.

(2) The commission may contract with Pacific Celebration '89 for promotion of Washington state's future trade and economic ties with nations in the Pacific rim. Any contract with Pacific Celebration '89 shall include, but is not limited to, the following conditions:

(a) Pacific Celebration '89 activities shall create increased opportunities for marketing Washington state products and services, include a series of leadership conferences on emerging issues of the Pacific economy, promote Washington state as the focus of trade activity within the Pacific basin, recognize the contributions to the development of Washington state by people of Pacific heritage, and increase knowledge and understanding of Pacific cultures by Washington citizens. Activities shall be staged in communities throughout the state during the centennial year.

(b) Each \$1.00 in state funds provided to Pacific Celebration shall be matched over the course of the biennium by at least \$1.60 in private contributions and event sponsorships. If, at any point during the biennium, the centennial commission determines that private contributions and event sponsorships will, by the end of the biennium, amount to less than \$1.60 for each \$1.00 of state money provided, it shall reduce disbursements proportionally.

(c) Any state money used for contracts with Pacific Celebration shall be repaid, to the greatest extent possible, from net revenue of Pacific Celebration activities. Net revenues from these activities shall be maximized and returned to the general fund according to a financial plan approved by the commission.

(3) The general fund appropriation is intended to be the final state contribution to the funding of centennial commission projects.

**NEW SECTION, Sec. 317. FOR THE STATE CONVENTION AND TRADE CENTER**  
 State Convention and Trade Center Account Appropriation . . . . . \$ 9,320,000

The appropriation in this section is subject to the following conditions and limitations: If Substitute Senate Bill No. 5901 is not enacted by June 30, 1987, the appropriation in this section shall lapse.

**NEW SECTION, Sec. 318. FOR THE WINTER RECREATION COMMISSION**  
 General Fund Appropriation . . . . . \$ 27,000

**PART IV  
 TRANSPORTATION**

**NEW SECTION, Sec. 401. FOR THE STATE PATROL**  
 Death Investigations Account Appropriation . . . . . \$ 24,000  
 General Fund Appropriation—State . . . . . \$ 16,938,000  
 General Fund Appropriation—Federal . . . . . \$ 2,974,000  
 General Fund Appropriation—Private/Local . . . . . \$ 1,769,000  
 Total Appropriation . . . . . \$ 21,705,000

The appropriations in this section are subject to the following conditions and limitations:

(1) At least \$471,000 of the general fund—state appropriation shall be spent on crime labs. \$1,424,000 of the general fund—federal appropriation is provided solely for crime labs if federal narcotics enforcement moneys are granted to the state. If these moneys are not granted to the state, an additional \$471,000 of the general fund—state appropriation shall be spent on crime labs. If the additional \$471,000 is spent on crime labs, the expenditure for the narcotics section shall not exceed the expenditures for that purpose during the 1985-1987 biennium.

(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 amount provided in this subsection shall lapse. Fees resulting from implementation of the bill shall be placed in the state general fund.

(3) \$1,000,000 of the general fund—state appropriation is provided solely to establish a separate unit to provide expertise in the investigation of major crimes and to provide assistance to law enforcement entities throughout the state at their request. The state patrol shall develop a computer data base and record system to store crime scene information to assist in major crimes investigations and to make such data readily available to all law enforcement agencies. The chief of the state patrol shall contract with the Green river task force to develop the expertise for these activities. A maximum of \$100,000 may be expended for this purpose.

**NEW SECTION, Sec. 402. FOR THE DEPARTMENT OF LICENSING**  
 General Fund Appropriation . . . . . \$ 15,508,000  
 Architects' License Account Appropriation . . . . . \$ 765,000  
 Health Professions Account Appropriation . . . . . \$ 9,601,000  
 Medical Disciplinary Account Appropriation . . . . . \$ 1,195,000  
 Professional Engineers' Account Appropriation . . . . . \$ 1,207,000  
 Real Estate Commission Account Appropriation . . . . . \$ 4,936,000  
 Total Appropriation . . . . . \$ 33,212,000

The appropriations in this section are subject to the following conditions and limitations:

(1) A maximum of \$426,000 from the health professions account appropriation may be used to contract with the board of pharmacy for drug-related investigations regarding licensed health care professionals.

(2) \$750,000 of the general fund appropriation is provided solely for expansion of the master license system. This funding is contingent on interagency transfers totaling \$548,000 in value. The office of financial management shall determine: (a) Which agencies shall make transfers to the department of licensing; (b) how much each agency shall transfer; and (c) whether the transfers shall be money or in-kind.

(3) \$163,000 of the general fund appropriation, \$155,000 of the architects' license account appropriation, \$161,000 of the medical disciplinary account appropriation, \$544,000 of the health professions account appropriation, \$121,000 of the professional engineers' account appropriation, and \$229,000 of the real estate commission account appropriation shall be placed in reserve status by the office of financial management pending reapportionment by the legislature during the 1988 session. The department shall submit a report prior to December 1, 1987, to the ways and means committees of the senate and house of representatives describing and justifying the methods used to set the fees charged for professional regulation.

(4) \$42,000 of the general fund appropriation is provided solely for implementation of Engrossed House Bill No. 713. If the bill is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

**PART V  
 EDUCATION**

**NEW SECTION, Sec. 501. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR STATE ADMINISTRATION**

General Fund Appropriation—State .....	\$	17,701,000
General Fund Appropriation—Federal .....	\$	10,683,000
Public Safety and Education Account Appropriation .....	\$	456,000
Total Appropriation .....	\$	28,840,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The public safety and education account appropriation is provided solely for administration of the traffic safety education program, including in-service training related to instruction in the risks of driving while under the influence of alcohol and other drugs.

(2) \$364,000 of the general fund—state appropriation is provided solely for the continuation of the international education and teacher exchange programs. \$50,000 of this amount shall be used to contract for services to expand the program to include Latin America.

(3) \$18,000 of the general fund—state appropriation is provided solely for the continuation of the environmental education program.

(4) \$50,000 of the general fund—state appropriation is provided solely for pilot programs for Hispanic dropout prevention and retrieval.

(5) \$43,000 of the general fund—state appropriation is provided solely for the purchase of multi-cultural/multi-ethnic instructional materials to be distributed to all elementary and secondary school buildings in the state.

(6) The superintendent of public instruction shall, jointly with the state board for community college education, develop an integrated state plan for all state and federally funded vocational education services. The superintendent of public instruction and the state board for community college education shall also jointly develop a consistent and reliable data base on public vocational education, including enrollments, costs, program activities, and job placement. Such data shall be made available to the office of the governor and the legislature.

(7) \$35,000 of the general fund—state appropriation is provided solely for the development of a horticulture greenhouse project within the Sequim school district.

**NEW SECTION, Sec. 502. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR EDUCATIONAL SERVICE DISTRICTS**

General Fund Appropriation .....	\$	9,966,000
----------------------------------	----	-----------

The appropriation in this section is subject to the following conditions and limitations: The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.21.088 (3) and (4).

**NEW SECTION, Sec. 503. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR GENERAL APPORTIONMENT (BASIC EDUCATION)**

General Fund Appropriation .....	\$	3,805,863,000
Revenue Accrual Account Appropriation .....	\$	55,100,000
Total Appropriation .....	\$	3,860,963,000

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 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 507 of this act, and excluding full time equivalent enrollment otherwise recognized for certificated staff unit allocations under (d) through (i) of this subsection:

(i) Forty-six 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)(i) For the 1987-88 school year, an additional two certificated instructional staff units for each one thousand average annual full time equivalent students in kindergarten through third grade.

(ii) For the 1988-89 school year, an additional three certificated instructional staff units for each one thousand average annual full time equivalent students in kindergarten through third grade.

(c) 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 share that such increased enrollment would have generated had such additional full time equivalent students been included in the normal enrollment count for that particular month.

(d) 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.

(e) 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.

(f) 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 sixty 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 twenty annual average full time equivalent students in grades seven and eight, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units.

(g) 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.

(h) 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.

(i) For districts that operate no more than two high schools with enrollments of not more than three hundred average annual full time equivalent students, for enrollments in each such high school, excluding handicapped and vocational full time equivalent enrollments:

(i) Nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty annual average full time equivalent students; and

(ii) Additional certificated staff units based upon a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per forty-three and one-half 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) 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) (e) through (i) of this section, one classified staff unit per each three certificated staff units allocated under such subsections.

(b) For all other enrollment in grades kindergarten through twelve, including vocational but excluding handicapped full time equivalent enrollments, 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 19.41 percent in the 1987-88 school year and 19.53 percent in the 1987-88 school year of certificated salary allocations provided under subsection (2) of this section, and a rate of 17.00 percent in the 1987-88 school year and 17.12 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), (c), and (e) through (i) of this section, there shall be provided a maximum of

\$5,973 per certificated staff unit in the 1987-88 school year and a maximum of \$6,188 per certificated staff unit in the 1988-89 school year.

(b) For nonemployee related costs with each certificated staff unit allocated under subsection (2)(d) of this section, there shall be provided a maximum of \$11,382 per certificated staff unit in the 1987-88 school year and a maximum of \$11,792 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 \$1,135,000 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)(b)(i) of this section, all allocations for nonemployee-related costs and one-half of all allocations for certificated salaries and benefits.

(b) For certificated instructional staff units generated under subsection (2)(b)(ii) of this section, one-third of all allocations including nonemployee-related costs and certificated 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 2.75 percent between the 1986-87 and 1987-88 school years, and 3.52 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)(e) 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.

(13) The appropriations in this section includes \$110,343,000 allocated for compensation increases for basic education staff, as provided pursuant to section 504 of this act.

#### NEW SECTION. Sec. 504. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—BASIC EDUCATION EMPLOYEE COMPENSATION

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 203 of Engrossed Second Substitute House Bill No. 455.

(c) "LEAP Document 10" means the computerized tabulation of 1986-87 average salary allocations for basic education certificated administrative staff and basic education classified staff, as developed by the legislative evaluation and accountability program committee on May 11, 1987, at 11:06 hours.

(2)(a)(i) For the 1987-88 school year, average salary allocations for basic education certificated administrative staff under section 503 of this act shall be the district's 1986-87 certificated



administrative average salary shown on LEAP Document 10, increased by 2.1 percent of the 1986-87 LEAP Document 10 state-wide average salary for certificated administrative staff.

(ii) For the 1988-89 school year, average salary allocations for basic education certificated administrative staff under section 503 of this act shall be the district's certificated administrative average salary allocation for the 1987-88 school year provided under this section, further increased by 2.14 percent of the 1986-87 LEAP Document 10 state-wide average salary.

(b)(i) For the 1987-88 school year, average salary allocations for basic education classified staff under section 503 of this act shall be the district's 1986-87 classified average salary shown on LEAP Document 10, increased by 2.7 percent of the 1986-87 LEAP Document 10 state-wide average salary for classified staff.

(ii) For the 1988-89 school year, average salary allocations for basic education classified staff under section 503 of this act shall be the district's classified average salary allocation for the 1987-88 school year provided under this section, further increased by 2.77 percent of the 1986-87 LEAP Document 10 state-wide average classified salary.

(c) 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 2.1 percent.

(d) 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)(c)(ii) of this section, the average basic education certificated instructional staff salary allocated for that year increased by 2.1 percent.

(3) Pursuant to section 204 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	17,050	17,510	17,988	18,465
1	17,681	18,158	18,653	19,164
2	18,329	18,823	19,335	19,897
3	19,011	19,522	20,051	20,648
4	19,710	20,255	20,801	21,432
5	20,443	21,006	21,568	22,250
6	21,210	21,773	22,370	23,103
7	21,995	22,574	23,188	23,972
8	22,796	23,410	24,041	24,893
9		24,279	24,944	25,831
10			25,865	26,820
11				27,843
12				
13				
14 or more				

1987-88 STATE-WIDE SALARY ALLOCATION SCHEDULE  
FOR INSTRUCTIONAL STAFF

Years of Service	BA+90	BA+135	MA	MA+45	MA+90 or PHD
0	20,000	20,989	20,000	21,210	22,250
1	20,750	21,756	20,750	21,995	23,069
2	21,517	22,557	21,517	22,813	23,921
3	22,301	23,393	22,301	23,648	24,808
4	23,137	24,262	23,137	24,518	25,728
5	23,989	25,166	23,989	25,439	26,666
6	24,876	26,087	24,876	26,376	27,655
7	25,797	27,058	25,797	27,348	28,678

1987-88 STATE-WIDE SALARY ALLOCATION SCHEDULE  
FOR INSTRUCTIONAL STAFF

Years of Service	BA+90	BA+135	MA	MA+45	MA+90 or PHD
8	26,751	28,064	26,751	28,354	29,752
9	27,740	29,104	27,740	29,411	30,843
10	28,763	30,179	28,763	30,502	31,986
11	29,838	31,287	29,838	31,628	33,162
12	30,946	32,446	30,946	32,804	34,390
13	32,088	33,640	32,088	34,015	35,669
14 or more		34,884	33,265	35,276	36,981

(b) 1988-89 STATE-WIDE SALARY ALLOCATION SCHEDULE  
FOR INSTRUCTIONAL STAFF

Years of Service	BA	BA+15	BA+30	BA+45
0	17,600	18,075	18,568	19,061
1	18,251	18,744	19,254	19,782
2	18,920	19,430	19,958	20,539
3	19,624	20,152	20,698	21,314
4	20,346	20,909	21,472	22,123
5	21,102	21,683	22,264	22,968
6	21,894	22,475	23,091	23,848
7	22,704	23,302	23,936	24,746
8	23,531	24,165	24,816	25,696
9		25,062	25,749	26,664
10			26,699	27,685
11				28,741
12				
13				
14 or more				

1988-89 STATE-WIDE SALARY ALLOCATION SCHEDULE  
FOR INSTRUCTIONAL STAFF

Years of Service	BA+90	BA+135	MA	MA+45	MA+90 or PHD
0	20,645	21,666	20,645	21,894	22,968
1	21,419	22,458	21,419	22,704	23,813
2	22,211	23,285	22,211	23,549	24,693
3	23,021	24,147	23,021	24,411	25,608
4	23,883	25,045	23,883	25,309	26,558
5	24,763	25,978	24,763	26,259	27,526
6	25,678	26,928	25,678	27,227	28,547
7	26,629	27,931	26,629	28,230	29,603
8	27,614	28,970	27,614	29,269	30,712
9	28,635	30,043	28,635	30,360	31,838
10	29,691	31,152	29,691	31,486	33,018
11	30,800	32,296	30,800	32,648	34,232
12	31,944	33,493	31,944	33,862	35,499
13	33,123	34,725	33,123	35,112	36,819
14 or more		36,010	34,338	36,414	38,174

(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.

NEW SECTION. Sec. 505. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR CATEGORICAL PROGRAM SALARY INCREASES

General Fund Appropriation ..... \$ 21,549,000

The appropriation in this section is subject to the following conditions and limitations:

(1) "Incremental fringe benefits" means 18.77 percent in the 1987-88 school year and 18.89 percent in the 1988-89 school year for certificated staff, and 13.47 percent in the 1987-88 school year and 13.59 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 (3) of this section.

(2) A maximum of \$8,431,000 is provided to implement salary 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 509 of this act shall be increased by \$10.51 per pupil for the 1987-88 school year and by \$21.60 per pupil for the 1988-89 school year.

(b) Learning assistance: The rates specified in section 510 of this act shall be increased by \$9.15 per pupil for the 1987-88 school year and by \$18.60 per pupil for the 1988-89 school year.

(c) Education of highly capable students: The rates specified in section 511 of this act shall be increased by \$6.23 per pupil for the 1987-88 school year and by \$12.84 per pupil for the 1988-89 school year.

(d) Vocational technical institutes: The rates for vocational programs specified in section 513 of this act shall be increased by \$57.15 per full time equivalent student for the 1987-88 school year, and by \$117.45 per full time equivalent student for the 1988-89 school year.

(e) Pupil transportation: The rates provided under section 516 of this act shall be increased by \$0.47 per weighted pupil-mile for the 1987-88 school year, and by \$0.95 per weighted pupil-mile for the 1988-89 school year.

(3) A maximum of \$13,118,000 is provided for salary increases and incremental fringe benefits for state-supported staff unit allocations in the handicapped program, section 507, and for state-supported staff in institutional education programs, section 508, and in educational service districts, section 502. The superintendent of public instruction shall distribute salary increases for these programs not to exceed the percentage salary increases provided for basic education staff under section 504 of this act.

**NEW SECTION. Sec. 506. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—LOCAL EDUCATION PROGRAM ENHANCEMENT FUNDS**

General Fund Appropriation ..... \$ 49,500,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The purpose of this section 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.

(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:

(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 have high schools with sixty or fewer full time equivalent students, the grant shall be based on sixty full time equivalent students.

(3) For the 1987-89 biennium, each school district shall receive, in addition to the basic education allocation, a grant of no less than \$67.50 per full time equivalent student. Grants shall be distributed on a school year basis. A maximum of \$24,750,000 may be allocated for the 1987-88 school year.

(4) For the purposes of this section, each school board shall:

(a) Assess the needs of the schools within the district;

(b) Assign priority to addressing the identified needs;

(c) Prepare a comprehensive two-year plan to address the priority needs identified by the committee within the grant funding limitations; and

(d) Develop an evaluation methodology to assess specifically how the expenditure of the grants demonstrate a direct educational benefit to the pupils within the district.

(5) New or existing programs enhanced by the funds provided to districts by a grant under this chapter shall not become a part of the state's basic education obligation as set forth by the Constitution.

(6) Funding appropriated and plans developed shall not be subject to collective bargaining.

(7) No school district board of directors may grant salary and compensation increases from a grant under this section 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.

(8) Local district grants may be used to fund any or all of the following activities:

(a) Innovative programs to increase the adult-pupil ratio without increasing the number of certificated staff, including but not limited to:

- (i) Providing stipends to competent retired teachers to return them to the classroom as "team teachers" or classroom assistants;
- (ii) Providing stipends to teachers' aides;
- (iii) Providing incentives to administrators who spend a portion of their work day in the classroom team teaching or providing classroom assistance;
- (iv) Providing recognition to citizen volunteers who assist in the classroom;
- (v) Providing training programs for classroom assistants, including volunteers; and
- (vi) Purchasing equipment that directly relates to classroom instruction or assists the teacher in minimizing time away from teaching.

(b) 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.

(c) 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.

(d) 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.

(e) In-service training programs for staff development including, but not limited to:

(i) Funding speakers 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.

(f) Programs that develop and promote logical reasoning and improved analytical skills, including programs for highly capable students.

(9) Stipends may be awarded under RCW 28A.58.093 to certificated or classified staff who assume extra duties that specifically relate to any activities included in subsection (8) of this section.

(10) Small or rural districts may enter into cooperative agreements to provide educational enhancements through the sharing of grant funds.

(11) The superintendent of public instruction shall make a comprehensive report to the legislature on the use of the local district grants and the educational benefits derived therefrom by January 31, 1989.

**NEW SECTION. Sec. 507. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR HANDICAPPED EDUCATION PROGRAMS**

General Fund Appropriation—State .....	\$	407,476,000
General Fund Appropriation—Federal .....	\$	45,318,000
Total Appropriation .....	\$	452,794,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$41,565,000 of the general fund—state appropriation is provided solely for the remaining months of the 1986-87 school year.

(2) The superintendent of public instruction shall distribute state funds for the 1987-88 and 1988-89 school years in accordance with districts' actual handicapped enrollments and the allocation model established in LEAP Document 9 as developed by the legislative evaluation and accountability program committee on April 27, 1987, at 14:43 hours.

(3) A maximum of \$411,000 may be expended from the general fund—state appropriation to fund 4.66 full time equivalent teachers and one aide at Children's Orthopedic Hospital and Medical Center. This amount is in lieu of money provided through the home and hospital allocation and the handicapped program.

(4) From state or federal funds appropriated under this section, the superintendent of public instruction shall allocate a total of \$130,000 for the early childhood home instruction program for hearing impaired infants and their families.

**NEW SECTION, Sec. 508. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR INSTITUTIONAL EDUCATION PROGRAMS**

General Fund Appropriation—State .....	\$	20,121,000
General Fund Appropriation—Federal .....	\$	7,034,000
Total Appropriation .....	\$	27,155,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,577,000 of the general fund—state appropriation is provided solely for the remaining months of the 1986-87 school year.

(2) \$10,094,000 of the general fund—state appropriation is provided solely for the 1987-88 school year, distributed as follows:

(a) \$4,128,000 is provided solely for programs in state institutions for the handicapped or emotionally disturbed. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of \$10,294 per full time equivalent student.

(b) \$2,978,000 is provided solely for programs in state institutions for delinquent youth. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of \$5,405 per full time equivalent student.

(c) \$370,000 is provided solely for programs in state group homes for delinquent youth. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of \$3,492 per full time equivalent student.

(d) \$564,000 is provided solely for juvenile parole learning center programs. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of \$1,395 per full time equivalent student, and are in addition to moneys allocated for these students through the basic education formula established in section 503 of this act.

(e) \$2,054,000 is provided solely for programs in county detention centers. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of \$4,012 per full time equivalent student.

(3) Distribution of state funding for the 1988-89 school year shall be based upon the following overall limitations for that school year including expenditures anticipated for July and August of 1989:

(a) State funding for programs in state institutions for the handicapped or emotionally disturbed may be distributed at a maximum rate averaged over all of these programs of \$10,296 per full time equivalent student and a total allocation of no more than \$3,735,000 for that school year.

(b) State funding for programs in state institutions for delinquent youth may be distributed at a maximum rate averaged over all of these programs of \$5,410 per full time equivalent student and a total allocation of no more than \$2,894,000 for that school year.

(c) State funding for programs in state group homes for delinquent youth may be distributed in that school year at a maximum rate averaged over all of these programs of \$3,502 per full time equivalent student and a total allocation of no more than \$371,000 for that school year.

(d) State funding for juvenile parole learning center programs may be distributed at a maximum rate averaged over all of these programs of \$1,387 per full time equivalent student and a total allocation of no more than \$560,000 for that school year, excluding funds provided through the basic education formula established in section 503 of this act.

(e) State funding for programs in county detention centers may be distributed at a maximum rate averaged over all of these programs of \$4,022 per full time equivalent student and a total allocation of no more than \$2,059,000 for that school year.

(4) The superintendent of public instruction may distribute a maximum of \$153,000 from the general fund—state appropriation to supplement moneys provided under subsections (1) through (3) of this section, for the purpose of addressing enrollment variations or other program needs, including increases in summer school programs.

**NEW SECTION, Sec. 509. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR TRANSITIONAL BILINGUAL PROGRAMS**

General Fund Appropriation .....	\$	11,294,000
----------------------------------	----	------------

The appropriation in this section is subject to the following conditions and limitations:

(1) \$1,174,000 is provided solely for the remaining months of the 1986-87 school year.

(2) The superintendent shall distribute funds for the 1987-88 and 1988-89 school years at a rate for each year of \$420 per eligible student.

**NEW SECTION, Sec. 510. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE LEARNING ASSISTANCE PROGRAM**

General Fund Appropriation .....	\$	48,011,000
----------------------------------	----	------------

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 \$356 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.

**NEW SECTION, Sec. 511. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS**

General Fund Appropriation . . . . . \$ 5,272,000

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) \$2,483,000 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 \$338 per student for up to one 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 \$341 per student for up to one percent of each district's 1988-89 full time equivalent enrollment.

(4) A maximum of \$340,000 is provided to contract for gifted programs to be conducted at Fort Worden state park.

**NEW SECTION, Sec. 512. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE ENUMERATED PURPOSES**

General Fund Appropriation—Federal . . . . . \$ 123,866,000  
 (1) Education Consolidation and Improvement Act . . . . . \$ 120,554,000  
 (2) Education of Indian Children . . . . . \$ 290,000  
 (3) Adult Basic Education . . . . . \$ 3,022,000

**NEW SECTION, Sec. 513. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR VOCATIONAL-TECHNICAL INSTITUTES AND ADULT EDUCATION AT VOCATIONAL-TECHNICAL INSTITUTES**

General Fund Appropriation . . . . . \$ 75,138,000

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 \$2,888 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 \$2,930 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.

(6) \$3,000,000 is provided solely for the establishment and operation of the Washington institute of applied technology within the Seattle area. This program shall be administered under a cooperative agreement between the Seattle school district, Seattle community college district No. 6, and the Seattle private business community. If Engrossed Senate Bill No. 5996 is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

**NEW SECTION, Sec. 514. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SPECIAL AND PILOT PROGRAMS**

General Fund Appropriation—State . . . . . \$ 13,434,000  
 General Fund Appropriation—Federal . . . . . \$ 4,000,000  
 Total Appropriation . . . . . \$ 17,434,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$855,000 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. The Pacific Science Center shall work towards an equitable distribution of program activities state-wide. The center shall also determine the extent to which the state-wide need for science enrichment for K-12 students and teachers is being met by the outreach programs partially funded by this appropriation. The Pacific Science Center shall examine the

geographical and demographic distribution of the populations served by these activities and recommend methods for efficiently reaching underserved student and teacher populations. These findings and recommendations shall be reported to the legislature by July 1, 1988.

(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.

(4) \$5,500,000 of the general fund—state appropriation is provided for solely for the implementation of the drop-out prevention and retrieval provisions of Engrossed Second Substitute House Bill No. 456. If the bill is not enacted by June 30, 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 June 30, 1987, this amount shall lapse.

(6) \$2,900,000 of the general fund—state appropriation is provided solely for the beginning teachers assistance program established under Substitute Senate Bill No. 5622. If the bill is not enacted by June 30, 1987, this amount shall lapse.

(7) \$225,000 of the general fund—state appropriation is provided solely for child abuse education provisions of Engrossed Substitute Senate Bill No. 5252. If the bill is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

(8) \$1,600,000 of the general fund—state appropriation is provided solely for grants to public or private nonprofit organizations for scholarships or support services, including but not limited to child care or transportation, for parents of children in headstart or early childhood education and assistance programs who are enrolled in adult literacy classes or tutoring programs under Engrossed Second Substitute House Bill No. 456. If the bill is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

(9) \$250,000 of the general fund—state appropriation is provided solely for the implementation of the student teaching pilot project established by Engrossed Substitute Senate Bill No. 5479. If the bill is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 515. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR EDUCATIONAL CLINICS**

General Fund Appropriation ..... \$ 3,400,000

The appropriation in this section is subject to the following conditions and limitations:

(1) Not more than \$1,688,000 of this appropriation shall be expended during fiscal year 1988.

(2) \$635,000 is provided solely to extend services to counties that were not served by educational clinics during the 1985-87 fiscal biennium.

**NEW SECTION. Sec. 516. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PUPIL TRANSPORTATION**

General Fund Appropriation ..... \$ 216,956,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$20,678,000 is provided solely for distribution to school districts for the remaining months of the 1986-87 school year.

(2) A maximum of \$95,546,000 may be distributed for pupil transportation operating costs in the 1987-88 school year.

(3) A maximum of \$800,000 may be expended for regional transportation coordinators.

(4) A maximum of \$60,000 may be expended for bus driver training.

**NEW SECTION. Sec. 517. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR TRAFFIC SAFETY EDUCATION PROGRAMS**

Public Safety and Education Account Appropriation ..... \$ 13,391,000

The appropriation in this section is subject to the following conditions and limitations: Not more than \$565,000 may be expended for regional traffic safety education coordinators.

**NEW SECTION. Sec. 518. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL FOOD SERVICE PROGRAMS**

General Fund Appropriation—State ..... \$ 6,000,000

General Fund Appropriation—Federal ..... \$ 68,154,000

Total Appropriation ..... \$ 74,154,000

**NEW SECTION. Sec. 519. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL DISTRICT SUPPORT**

General Fund Appropriation—State ..... \$ 3,375,000

General Fund Appropriation—Federal ..... \$ 4,677,000

Total Appropriation ..... \$ 8,052,000

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) \$145,000 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) \$832,000 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. 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.

NEW SECTION. Sec. 520. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR ENCUMBRANCES OF FEDERAL GRANTS

General Fund Appropriation—Federal	\$	24,085,000
------------------------------------	----	------------

NEW SECTION. Sec. 521. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE STATE SCHOOL FOR THE DEAF

General Fund Appropriation—State	\$	9,613,000
----------------------------------	----	-----------

General Fund Appropriation—Federal	\$	148,000
------------------------------------	----	---------

Total Appropriation	\$	9,761,000
---------------------	----	-----------

NEW SECTION. Sec. 522. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE STATE SCHOOL FOR THE BLIND

General Fund Appropriation	\$	5,201,000
----------------------------	----	-----------

#### PART VI

#### HIGHER EDUCATION

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 602 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 appropriated 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	\$	7,763
--------------------------	----	-------

Washington State University	\$	6,549
-----------------------------	----	-------

Central Washington University, Eastern Washington University, The  
Evergreen State College, and Western Washington University:

The first 3000 FTE Students	\$	5,974
-----------------------------	----	-------

Each Student over 3000 FTE	\$	3,895
----------------------------	----	-------

State Board for Community College Education	\$	2,793
---	----	-------

(3) Each institution of higher education and the state board for community college 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) Actions taken by the institution or system to operate programs jointly with another public or private institution;

(h) 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;

(i) The annual faculty turnover rates experienced by the institution or the system; and

(j) The amount spent on instructional equipment, the type of equipment purchased, and the instructional enhancements that resulted from the additional equipment.



The state board for community college education shall collect and report the information required of the community college system under this subsection.

(4) The state board for community college education shall, jointly with the superintendent of public instruction, develop an integrated state plan for all state and federally funded vocational education services. The superintendent of public instruction and the state board for community college education shall also jointly develop a consistent and reliable data base on public vocational education, including enrollments, costs, program activities, and job placement. Such data shall be made available to the office of the governor and the legislature.

(5) The state board for community college education shall, jointly with the superintendent of public instruction, develop an integrated state plan for all state and federally funded vocational education services. The superintendent of public instruction and the state board for community college education shall also jointly develop a consistent and reliable data base on public vocational education, including enrollments, costs, program activities, and job placement. Such data shall be made available to the office of the governor and the legislature.

(6) 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.

(7) 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. At least \$147,000 of the amount appropriated to the University of Washington shall go to increase the efforts of the math, engineering, and science achievement program.

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

(8) The following are the maximum amounts that may be expended at each institution of higher education from the appropriations in sections 602 through 608 of this act for continuing the salary increases authorized by section 604, chapter 7, Laws of 1987 (ESSB 5351) from July 1, 1987, through February 29, 1988:

University of Washington	\$	3,893,000
Washington State University	\$	2,083,000
Central Washington University	\$	405,000
Eastern Washington University	\$	489,000
The Evergreen State College	\$	212,000
Western Washington University	\$	575,000
State Board for Community College Education	\$	4,036,000

Expenditures under this subsection shall be consistent with all terms and conditions contained in section 604, chapter 7, Laws of 1987 (ESSB 5351), which are hereby incorporated by reference.

(9) The following are maximum amounts which each institution may spend from the appropriations in sections 602 through 608 of this act 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, department chairpersons, and community college librarians and counselors who are not part of the state classified service system. "Exempt staff" includes presidents, chancellors, vice-presidents, administrative deans and professional personnel, and four-year institution librarians and counselors who are exempt from the classified service system.

University of Washington	\$	19,266,000
Washington State University	\$	9,493,000
Central Washington University	\$	2,159,000
Eastern Washington University	\$	2,469,000
The Evergreen State College	\$	1,069,000
Western Washington University	\$	2,893,000
State Board for Community College Education	\$	14,283,000
Higher Education Coordinating Board	\$	55,000

These amounts are intended to provide full time faculty and teaching and research assistants, and medical residents 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:

	March 1, 1988	January 1, 1989
University of Washington	8.5%	8.4%
Washington State University	8.2%	8.1%

Central Washington University	7.6%	7.6%
Eastern Washington University	7.6%	7.6%
The Evergreen State College	7.6%	7.6%
Western Washington University	7.6%	7.6%
State Board for Community College Education	6.3%	6.0%

Exempt staff and part time faculty at each four-year institution, the community college system as a whole, and the higher education coordinating board are entitled to receive the average salary increases enumerated below on the effective dates indicated:

	March 1, 1988	January 1, 1989
University of Washington	5%	3%
Washington State University	5%	3%
Central Washington University	4.5%	3%
Eastern Washington University	4.5%	3%
The Evergreen State College	4.5%	3%
Western Washington University	4.5%	3%
State Board for Community College Education	4.0%	3%
Higher Education Coordinating Board	3%	3%

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.

The salary increase authorized under this subsection may be granted to state employees at Washington State University who are supported in full or in part by federal land grant formula funds.

(10) In addition to the 6.3 and 6.0 percent salary increases provided to community college faculty in subsection (9) of this section, \$1,129,000 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 one third of these funds in fiscal year 1988 and two thirds in fiscal year 1989 as follows:

Lower Columbia College	\$	124,000
Shoreline Community College	\$	242,000
Community College of Spokane	\$	533,000
Skagit Valley College	\$	115,000
Whatcom Community College	\$	18,000
Community College District 12	\$	52,000
Walla Walla Community College	\$	18,000
Highline Community College	\$	27,000

(11) 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 2.65 percent or \$50 per month, whichever is greater, salary increase effective January 1, 1988, and an additional 3.0 percent salary increase effective January 1, 1989. These increases shall be implemented in compliance and conformity with all requirements of the comparable worth agreement ratified by 1986 Senate Concurrent Resolution No. 126.

University of Washington	\$	3,501,000
Washington State University	\$	2,365,000
Central Washington University	\$	478,000
Eastern Washington University	\$	583,000
The Evergreen State College	\$	337,000
Western Washington University	\$	652,000
State Board for Community College Education	\$	3,166,000
Higher Education Coordinating Board	\$	23,000

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.

(12) Any institution that grants an average salary increase in excess of the amounts authorized in subsection (9) 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 subsections (9) and (10) 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 ..... \$ 531,174,000

The appropriation in this section is subject to the following conditions and limitations:

(1) At least \$170,000 shall be spent solely for necessary expenditures attributable to the fire of February 16, 1987, at Everett Community College.

(2) 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 .....	\$	516,799,000
Medical Aid Fund Appropriation .....	\$	2,553,000
Accident Fund Appropriation .....	\$	2,553,000
Death Investigations Account Appropriation .....	\$	594,000
<b>Total Appropriation .....</b>	<b>\$</b>	<b>522,499,000</b>

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$10,500,000 of the general fund appropriation is provided solely for equipment.
- (2) A maximum of \$75,000 may be spent to 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.
- (3) \$400,000 is provided solely to conduct a study of the potential environmental and economic impacts of oil and mineral exploration off the coast of Washington.
- (4) At least \$75,000 of the appropriations in this section 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 .....	\$	287,150,000
----------------------------------	----	-------------

The appropriation in this section is subject to the following conditions and limitations:

- (1) \$4,717,000 is provided solely for equipment.
- (2) Funds are provided to Washington State University to continue the Yakima nursing training program.
- (3) \$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.
- (4) \$427,000 is provided solely for start-up and operation of the health research and education center in Spokane.
- (5) \$750,000 is provided solely to enhance and operate the Washington higher education telecommunications system (WHETS) for the purpose of allowing the delivery of university courses directly to Spokane, Vancouver, Seattle, and the Tri-Cities.

**NEW SECTION. Sec. 605. FOR EASTERN WASHINGTON UNIVERSITY**

General Fund Appropriation .....	\$	81,688,000
----------------------------------	----	------------

The appropriation in this section is subject to the following conditions and limitations:

- (1) \$1,157,000 is provided solely for equipment.
- (2) \$150,000 is provided solely for start-up and operation of the health research and education center in Spokane.

**NEW SECTION. Sec. 606. FOR CENTRAL WASHINGTON UNIVERSITY**

General Fund Appropriation .....	\$	68,969,000
----------------------------------	----	------------

The appropriation in this section is subject to the following conditions and limitations:

- (1) \$1,015,000 is provided solely for equipment.
- (2) \$310,000 is provided solely to assist Central Washington University's school of business in achieving accreditation.

**NEW SECTION. Sec. 607. FOR THE EVERGREEN STATE COLLEGE**

General Fund Appropriation .....	\$	40,269,000
----------------------------------	----	------------

The appropriation in this section is subject to the following conditions and limitations:

- (1) \$945,000 is provided solely for equipment.
- (2) \$400,000 of the general fund appropriation is provided solely for the Washington state center for the improvement of the quality of undergraduate education.
- (3) \$300,000 of the general fund appropriation is provided solely for summer seminars in coordination with the national faculty of humanities, arts and sciences to improve the quality of teaching in high schools and community colleges.
- (4) At least \$200,000 shall be spent for a labor center. The college shall endeavor to obtain additional funds for the labor center from nonstate sources.

**NEW SECTION. Sec. 608. FOR WESTERN WASHINGTON UNIVERSITY**

General Fund Appropriation .....	\$	87,675,000
----------------------------------	----	------------

The appropriation in this section is subject to the following conditions and limitations:

- (1) \$2,421,000 is provided solely for equipment.
- (2) \$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 .....	\$	52,344,000
General Fund Appropriation—Federal .....	\$	3,471,000
State Educational Grant Appropriation .....	\$	40,000
<b>Total Appropriation .....</b>	<b>\$</b>	<b>55,855,000</b>

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 \$18,100,000 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) \$300,000 of the general fund appropriation is provided solely for the implementation of House Bill No. 857, the teachers conditional scholarship program.

(4) \$900,000 of the general fund—state appropriation is provided solely for the displaced homemaker program.

**NEW SECTION. Sec. 610. FOR WASHINGTON STATE LIBRARY**

General Fund Appropriation—State	\$	9,280,000
General Fund Appropriation—Federal	\$	4,399,000
General Fund Appropriation—Private/Local	\$	634,000
Western Library Network Computer System Revolving Fund Approp- riation—Private/Local	\$	12,556,000
Total Appropriation	\$	26,869,000

**NEW SECTION. Sec. 611. FOR THE COMPACT FOR EDUCATION**

General Fund Appropriation	\$	85,000
----------------------------	----	--------

**NEW SECTION. Sec. 612. FOR THE HIGHER EDUCATION PERSONNEL BOARD**

Higher Education Personnel Board Service Fund Appropriation	\$	1,947,000
---	----	-----------

**NEW SECTION. Sec. 613. FOR THE WASHINGTON STATE ARTS COMMISSION**

General Fund Appropriation—State	\$	3,409,000
General Fund Appropriation—Federal	\$	780,000
Total Appropriation	\$	4,189,000

**NEW SECTION. Sec. 614. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

General Fund Appropriation	\$	863,000
----------------------------	----	---------

The appropriation in this section is subject to the following conditions and limitations:

(1) \$70,000 is provided solely for costs of the Smithsonian Institution's "Magnificent Voyagers" exhibit.

(2) \$83,000 is provided solely to fund an assistant director position to assist in the implementation of the society's long-range plan. The plan includes, but is not limited to, increasing private funds to support operational costs, achieving national accreditation, and improving current programs.

**NEW SECTION. Sec. 615. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY**

General Fund Appropriation—State	\$	685,000
General Fund Appropriation—Federal	\$	88,000
Total Appropriation	\$	773,000

**NEW SECTION. Sec. 616. FOR THE STATE CAPITOL HISTORICAL ASSOCIATION**

General Fund Appropriation	\$	746,000
State Capitol Historical Association Museum Account Appropriation	\$	117,000
Total Appropriation	\$	863,000

**PART VII**

**SPECIAL APPROPRIATIONS**

**NEW SECTION. Sec. 701. FOR THE GOVERNOR—COMPENSATION—SALARY AND INSURANCE BENEFITS**

General Fund Appropriation—State	\$	45,845,000
General Fund Appropriation—Federal	\$	9,645,000
Special Fund Salary and Insurance Contribution		
Increase Revolving Fund Appropriation	\$	36,835,000
Total Appropriation	\$	92,325,000

The appropriations in this section, or so much thereof as may be necessary, shall be expended exclusively for the purposes designated in this section and are subject to the conditions and limitations specified in this section.

(1) \$30,722,000 of the general fund—state appropriation, \$9,644,000 of the general fund—federal appropriation, and \$25,397,000 of the special fund salary and insurance contribution increase revolving fund appropriation are provided for a 2.65 percent or \$50 per month, whichever is greater, salary increase effective January 1, 1988, and an additional 3.0 percent salary increase effective January 1, 1989, for all state personnel board classified and exempt employees. These increases shall be implemented in compliance and conformity with all requirements of the comparable worth agreement ratified by 1986 Senate Concurrent Resolution No. 126.

(2) \$1,000 of the general fund—federal appropriation and \$82,000 of the special fund salary and insurance revolving fund appropriation are provided for a 2.65 percent or \$50 per month, whichever is greater, salary increase effective January 1, 1988, and an additional 3.0 percent salary increase effective January 1, 1989, for higher education personnel board classified and exempt employees employed by the higher education coordinating board and the higher education personnel board. These increases shall be implemented in compliance and conformity with all requirements of the comparable worth agreement ratified by 1986 Senate Concurrent Resolution No. 126.

(3) \$123,000 of the general fund—state appropriation and \$2,056,000 of the special fund salary and insurance contribution increase revolving fund appropriation are provided for a three percent salary increase effective January 1, 1988, followed by an additional three percent salary increase effective January 1, 1989, for commissioned officers of the Washington state patrol.

(4) The governor shall allocate to state agencies from the general fund—state appropriation \$5,000,000 for fiscal year 1988 and \$10,000,000 for fiscal year 1989, and from the special fund salary and insurance contribution increase revolving fund appropriation \$3,100,000 for fiscal year 1988 and \$6,200,000 for fiscal year 1989 to fulfill the 1987-89 obligations of the comparable worth agreement ratified by 1986 Senate Concurrent Resolution No. 126.

(5) (a) The monthly contributions for insurance benefits shall not exceed \$167.00 per eligible employee.

(b) Any returns of funds to the state employees' insurance board resulting from favorable claims experienced during the 1987-89 biennium shall be held in reserve within the state employees insurance fund until appropriated by the legislature.

(c) Funds provided under this section, including funds resulting from dividends or refunds, shall not be used to increase employee insurance benefits over the level of services provided on the effective date of this act. Contributions by any county, municipal, or other political subdivision to which coverage is extended after the effective date of this act shall not receive the benefit of any surplus funds attributable to premiums paid prior to the date on which coverage is extended.

(6) To facilitate the transfer of moneys from dedicated funds and accounts, the state treasurer is directed to transfer sufficient moneys from each dedicated fund or account to the special fund salary and insurance contribution increase revolving fund in accordance with schedules provided by the office of financial management.

(7) In calculating individual agency allocations for this section, the office of financial management shall calculate the allocation of each subsection separately. The separate allocations for each agency may be combined under a single appropriation code for improved efficiency. The office of financial management shall transmit a list of agency allocations by subsection to the committees on ways and means of the senate and house of representatives.

(8) No salary increase may be paid under this section to any person whose salary has been Y-rated pursuant to rules adopted by the state personnel board or the higher education personnel board.

**NEW SECTION. Sec. 702. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—CONTRIBUTIONS TO RETIREMENT SYSTEMS**

The appropriations in this section are subject to the following conditions and limitations: The appropriations shall be made on a quarterly basis.

(1) There is appropriated for state contributions to the law enforcement officers' and fire fighters' retirement system.

	FY 1988	FY 1989
Revenue Accrual Account Appropriation . . . . . \$	57,134,000	52,866,000
Total Appropriation . . . . .	\$110,000,000	

(2) There is appropriated for contributions to the judicial retirement system an amount sufficient to meet the cash flow requirements of all benefit payments made during the 1987-89 biennium.

	FY 1988	FY 1989
General Fund Appropriation . . . . . \$	1,350,000	1,350,000
Total Appropriation . . . . .	\$2,700,000	

(3) There is appropriated for contributions to the judges retirement system an amount sufficient to meet the cash flow requirements of all benefit payments made during the 1987-89 biennium.

	FY 1988	FY 1989
General Fund Appropriation . . . . . \$	800,000	800,000
Total Appropriation . . . . .	\$1,600,000	

(4) The initial employer trust fund contribution rate for all employers of members of the retirement system governed by chapter 41.32 RCW (the teachers' retirement system) shall be set at 11.22% of earnable compensation for the 1987-89 biennium.

(5) The initial employer trust fund contribution rate for all employers of members of the retirement system governed by chapter 41.40 RCW (the public employees' retirement system) shall be set at 5.92% of compensation earnable for the 1987-89 biennium.

(6) The employer rate for all employers of members of the retirement system governed by chapter 43.43 RCW (the state patrol retirement system) shall be set at 19.88% of compensation, the level recommended by the state actuary.

**NEW SECTION. Sec. 703. FOR THE OFFICE OF FINANCIAL MANAGEMENT—CONTRIBUTIONS TO RETIREMENT SYSTEMS**

	FY 1988	FY 1989
General Fund Appropriation . . . . . \$	1,300,000	1,300,000
Total Appropriation . . . . .	\$2,600,000	

The appropriations in this section are subject to the following conditions and limitations:

(1) \$600,000 of the general fund—state appropriation shall be distributed to state agencies for the purpose of additional contributions required for the public employees' retirement system as a result of Senate Bill No. 5150.

(2) \$2,000,000 of the general fund—state appropriation shall be distributed to the superintendent of public instruction for the purpose of additional contributions required for the teachers' retirement system as a result of Senate Bill No. 5150.

(3) If Senate Bill No. 5150 is not enacted by June 30, 1987, the appropriations in this section shall lapse.

**NEW SECTION, Sec. 704. FOR THE GOVERNOR—EMERGENCY FUND**

General Fund Appropriation—State . . . . . \$ 2,000,000

The appropriation in this section is for the governor's emergency fund to be allocated for the carrying out of the critically necessary work of any agency.

**NEW SECTION, Sec. 705. FOR THE GOVERNOR—INDIAN CLAIMS**

General Fund Appropriation . . . . . \$ 4,000,000

The appropriation in this section is subject to the following conditions and limitations:

(1) Before June 30, 1988, the governor, through the department of community development, in consultation with the attorney general, may use all or any portion of the amount appropriated for the purpose of settling the claims of the Puyallup Indian tribe to lands formerly lying beneath the Puyallup river.

(2) On and after July 1, 1988, the governor through the department of general administration may provide for purchasing, for current or future public purposes, any land for which the tribal claim remains unsettled, subject to all of the following:

(a) Before March 31, 1989, the owner of the land must offer in writing to sell the land at a price not exceeding what its market value would be without the tribal claim.

(b) If a parcel lies partially on lands formerly beneath the Puyallup river and partially outside such lands, the department also may elect to purchase all or part of the portion lying outside such lands if the purchase is reasonably necessary to make the purchased land suitable for a public purpose.

(c) The sale to the state of each parcel shall include an assignment of any rights the landowner has against others for defects in title to the land.

(d) In order to facilitate the use of the land for a public purpose, the department may purchase parcels conditioned on access being provided by the seller or other landowners. The department may also use any other lawful means to gain access to the purchased land.

**NEW SECTION, Sec. 706. FOR THE GOVERNOR—UNIFIED BUSINESS IDENTIFIER**

General Fund Appropriation . . . . . \$ 2,984,000

Accident Fund Appropriation . . . . . \$ 281,000

Medical Aid Fund Appropriation . . . . . \$ 281,000

Total Appropriation . . . . . \$ 3,546,000

**NEW SECTION, Sec. 707. FOR THE GOVERNOR—STATE AND LOCAL CONTROLLED SUBSTANCES ENFORCEMENT ASSISTANCE**

General Fund Appropriation—Federal . . . . . \$ 3,557,000

**NEW SECTION, Sec. 708. FOR THE GOVERNOR—LEGAL SERVICES AUGMENTATION**

General Fund Appropriation . . . . . \$ 2,520,000

Special Fund Agency Legal Services Augmentation Revolving Fund

Appropriation . . . . . \$ 3,780,000

Total Appropriation . . . . . \$ 6,300,000

The appropriations in this section are subject to the following conditions and limitations: To facilitate payment of the legal services augmentation from special funds, the state treasurer is directed to transfer sufficient moneys from each special fund to the special fund agency legal services augmentation revolving fund, hereby created, in accordance with schedules provided by the office of financial management. The governor shall distribute the moneys appropriated in this section to agencies to pay for legal services augmentation.

**NEW SECTION, Sec. 709. FOR THE GOVERNOR—ARTS STABILIZATION**

General Fund Appropriation . . . . . \$ 600,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for a state-wide stabilization program for arts organizations which have annual budgets exceeding \$200,000.

**NEW SECTION, Sec. 710. FOR THE GOVERNOR—VOCATIONAL EDUCATION AND TRAINING**

General Fund Appropriation—State . . . . . \$ 4,607,000

General Fund Appropriation—Federal . . . . . \$ 22,562,000

Total Appropriation . . . . . \$ 27,169,000

The appropriations in this section are subject to the following conditions and limitations:

(1) These appropriations are provided solely to carry out functions previously maintained by the commission for vocational education, which was terminated effective June 30, 1987, by RCW 43.131.288.

(2) The governor may designate by executive order the agency or agencies necessary to maintain and continue the availability of federal funds and the programs related thereto, such as the Carl Perkins vocational act, the federal job training and partnership act, and federal veterans administration approval of schools, pursuant to RCW 43.06.120.

(3) The governor may designate by executive order the agency or agencies whose substantive authority would allow them to carry out programs which were previously administered by the commission for vocational education and which were not terminated by RCW 43.131.288, such as the private vocational schools act, the job skills program, and the Washington award for vocational excellence.

**NEW SECTION. Sec. 711. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—TRANSFERS**

General Fund Appropriation: For transfer to the Department of Retirement Systems Expense Fund .....	\$	19,000
Motor Vehicle Fund—State Patrol Highway Account Appropriation: For transfer to the Department of Retirement Systems Expense Fund .....	\$	92,300

**NEW SECTION. Sec. 712. FOR THE STATE TREASURER—TRANSFERS**

General Fund Appropriation: For transfer to the Institutional Impact Account .....	\$	316,600
General Government Special Revenue Fund—State Treasurer's Service Account Appropriation: For transfer to the general fund on or before July 20, 1989, an amount up to \$5,000,000 in excess of the cash requirements in the State Treasurer's Service Account for fiscal year 1990, for credit to the fiscal year in which earned .....	\$	5,000,000
Charitable, Educational, Penal and Reformatory Institutions Account Appropriations: For transfer to the Resource Management Cost Account to the extent that funds are available as determined by the department of natural resources. The department shall provide the state treasurer with a schedule of such transfers .....	\$	3,000,000
General Fund Appropriation: For transfer to the Natural Resources Fund—Water Quality Account .....	\$	7,913,300
General Fund Appropriation: For transfer to the Miscellaneous Fund—Tort Claims Revolving Fund .....	\$	2,500,000
Employment Security Fund—Deferred Compensation Revolving Fund: For transfer to the Motor Vehicle Fund .....	\$	861,000
Ferry System Fund: For transfer to the Tort Claims Revolving Fund for claims paid on behalf of the department of transportation, Washington state ferry system during the period July 1, 1987, through June 30, 1989 .....	\$	884,100
Puget Sound Ferry Operations Account: For transfer to the Tort Claims Revolving Fund for claims paid on behalf of the department of transportation, Washington state ferry system during the period July 1, 1987, through June 30, 1989 .....	\$	378,900
Motor Vehicle Fund: For transfer to the Tort Claims Revolving Fund for claims paid on behalf of the department of transportation during the period July 1, 1987 through June 30, 1989 .....	\$	14,200,000

**NEW SECTION. Sec. 713. FOR SUNDRY CLAIMS**

The following sums, or so much thereof as are necessary, are appropriated from the general fund, unless otherwise indicated, for the payment of court judgments and for relief of various individuals, firms, and corporations for sundry claims. These appropriations are to be disbursed on vouchers approved by the director of the department of general administration, except as otherwise provided, as follows:

(1) In settlement of all claims for expenses in State v. Blanusca, Superior Court for Pierce County, Judgment No. 85-1-00253-1, pursuant to RCW 9.01.200, including interest .....	\$	16,057.00
(2) Terence R. Whitten, payment of judgment in State v. Black, Superior Court for Spokane County, Cause No. 247104 .....	\$	92,020.00
(3) Richard D. McWilliams, payment of judgment in State v. Black, Superior Court for Spokane County, Cause No. 247104 .....	\$	68,835.00
(4) In settlement of all claims for expenses in State v. Austin, Superior Court for Thurston County, Judgment No. 85-1-00497-7, pursuant to RCW 9.01.200, including interest .....	\$	10,213.00
(5) In settlement of all claims for expenses in City of Bellevue v. Irons, Superior Court for King County, Judgment No. 86-1-03095-2, pursuant to RCW 9.01.200, including interest .....	\$	27,888.00
(6) In settlement of all claims for expenses in State v. Striegel, South District Court of Snohomish County, Judgment No. 86-07847, pursuant to RCW 9.01.200, including interest .....	\$	5,926.00

(7) In settlement of all claims for expenses in State v. Shirley, Cascade District Court of Snohomish County, Judgment No. SCS-58916, pursuant to RCW 9.01.200, including interest .....	\$	1,623.00
(8) In settlement of all claims for expenses in City of Wenatchee v. Pedersen, District Court of Chelan County, Judgment No. 6723 WPD, pursuant to RCW 9.01.200, including interest .....	\$	1,432.00
(9) In settlement of all claims for expenses in State v. Enemark, District Court # 1 of Pierce County, Judgment No. 85-6-52377-3, pursuant to RCW 9.01.200, including interest .....	\$	5,334.00
(10) In settlement of all claims for expenses in State v. Thompson, Superior Court of Spokane County, Judgment No. 82-1-0064-7, pursuant to RCW 9.01.200, including interest .....	\$	8,233.00
(11) Compensation to the following for all pending claims of damage to crops by game: PROVIDED, That payment shall be made from the Game Fund:		
(a) Kenneth Allen Hammond .....	\$	1,272.00
(b) Rudy Etzkorn .....	\$	4,200.00
(c) Joe C. Grentz .....	\$	14,261.00
(12) Department of social and health services, for payment of retroactive salary increases as required in Washington Federation of State Employees v. State Personnel Board, superior Court of Thurston County, Order No. 80-2-00966-1: PROVIDED, That to the extent that federal financial participation is available, the department shall apply such funds before using this appropriation .....	\$	10,970,000.00

NEW SECTION, Sec. 714. FOR BELATED CLAIMS

(1) There is appropriated to the office of financial management for payment of supplies and services furnished in previous biennia, from the General Fund .....

\$	1,125,000
----	-----------

(2) The following sums, or so much thereof as shall severally be found necessary, are hereby appropriated and authorized to be expended out of the several funds indicated, for the period from the effective date of this act to June 30, 1989, except as otherwise noted.

To reimburse the general fund for expenditures from belated claims appropriations to be disbursed on vouchers approved by the office of financial management:

Medical Disciplinary Account .....	\$	4,655
Institutional Impact Account .....	\$	36,816
Architects' License Account .....	\$	1,062
Cemetery Account .....	\$	45
Hazardous Waste Control and Elimination Account .....	\$	6
Public Safety and Education Account .....	\$	31,011
Health Professions Account .....	\$	13,465
Professional Engineers' Account .....	\$	81
Real Estate Commission Account .....	\$	623
Reclamation Revolving Account .....	\$	14
State Investment Board Expense Account .....	\$	134
Capitol Building Construction Account .....	\$	55,831
Motor Transport Account .....	\$	9,665
State Capitol Historical Association Museum Account .....	\$	76
Resource Management Cost Account .....	\$	7,684
Capitol Purchase and Development Account .....	\$	16,603
Litter Control Account .....	\$	358
State and Local Improvements Revolving Account (Waste Disposal Facilities) .....	\$	12
State Building Construction Account .....	\$	67,372
Outdoor Recreation Account .....	\$	268
State Social and Health Services Construction Account .....	\$	1,142
Grade Crossing Protective Fund .....	\$	79,466
State Patrol Highway Account .....	\$	45,879
Motorcycle Safety Education Fund .....	\$	7,725
Nursery Inspection Fund .....	\$	38
Seed Fund .....	\$	347
Electrical License Fund .....	\$	1,727
State Game Fund .....	\$	64,064
Highway Safety Fund .....	\$	6,297
Motor Vehicle Fund .....	\$	24,572
Public Service Revolving Fund .....	\$	5,418
State Treasurer's Service Fund .....	\$	1,561
Legal Services Revolving Fund .....	\$	9,650
Municipal Revolving Fund .....	\$	4,146



General Administration Facilities and Services Revolving Fund .....	\$	6,140
Department of Personnel Service Fund .....	\$	366
Higher Education Personnel Board Service Fund .....	\$	331
State Employees' Insurance Fund .....	\$	499
State Auditing Services Revolving Fund .....	\$	3,028
Liquor Revolving Fund .....	\$	4,629
Department of Retirement Systems Expense Fund .....	\$	10,264
Accident Fund .....	\$	29,386
Medical Aid Fund .....	\$	29,232
Western Library Network Computer System Revolving Fund .....	\$	30,443
Pressure Systems Safety Fund .....	\$	196

NEW SECTION. Sec. 715. FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION

General Fund Appropriation for fire insurance premiums tax distribution .....	\$	6,187,000
General Fund Appropriation for public utility district excise tax distribution .....	\$	24,031,000
General Fund Appropriation for prosecuting attorneys' salaries .....	\$	1,950,000
General Fund Appropriation for motor vehicle excise tax distribution .....	\$	58,630,000
General Fund Appropriation for local mass transit assistance .....	\$	177,580,000
General Fund Appropriation for camper and travel trailer excise tax distribution .....	\$	2,283,000
Aquatic Lands Enhancement Account Appropriation for harbor improvement revenue distribution .....	\$	60,000
Liquor Excise Tax Fund Appropriation for liquor excise tax distribution .....	\$	17,807,000
Motor Vehicle Fund Appropriation for motor vehicle fuel tax and overload penalties distribution .....	\$	272,649,000
Liquor Revolving Fund Appropriation for liquor profits distribution .....	\$	39,100,000
Timber Tax Distribution Account Appropriation for distribution to "Timber" counties .....	\$	39,044,000
Municipal Sales and Use Tax Equalization Account Appropriation .....	\$	31,570,000
County Sales and Use Tax Equalization Account Appropriation .....	\$	10,900,000
Death Investigations Account Appropriation for distribution to counties for public funded autopsies .....	\$	592,000
Total Appropriation .....	\$	682,383,000

NEW SECTION. Sec. 716. FOR THE STATE TREASURER—FEDERAL REVENUES FOR DISTRIBUTION

Forest Reserve Fund Appropriation for federal forest reserve fund distribution .....	\$	58,414,601
General Fund Appropriation for federal flood control funds distribution .....	\$	24,000
General Fund Appropriation for federal grazing fees distribution .....	\$	50,000
Geothermal Account Appropriation—Federal .....	\$	60,000
General Fund Appropriation for distribution of federal funds to counties in conformance with Public Law 97-99 .....	\$	300,000
Total Appropriation .....	\$	58,848,601

NEW SECTION. Sec. 717. FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, INCLUDING ONGOING BOND REGISTRATION AND TRANSFER CHARGES

Fisheries Bond Redemption Fund 1977 Appropriation .....	\$	1,280,467
Salmon Enhancement Bond Redemption Fund 1977 Appropriation .....	\$	5,479,684
Higher Education Refunding Bond Redemption Fund 1977 Appropriation .....	\$	8,773,875
Fire Service Training Center Bond Retirement Fund 1977 Appropriation .....	\$	1,619,731
Highway Bond Retirement Fund Appropriation .....	\$	171,910,324
Indian Cultural Center Construction Bond Redemption Fund 1976 Appropriation .....	\$	233,575
Higher Education Bond Redemption Fund 1977 Appropriation .....	\$	19,528,417
Ferry Bond Retirement Fund 1977 Appropriation .....	\$	25,627,988
Emergency Water Projects Bond Retirement Fund 1977 Appropriation .....	\$	2,604,490
Public School Building Bond Redemption Fund 1965 Appropriation .....	\$	1,238,790
Spokane River Toll Bridge Account Appropriation .....	\$	889,088
Higher Education Bond Retirement Fund 1979 Appropriation .....	\$	10,736,990
State General Obligation Bond Retirement Fund 1979 Appropriation .....	\$	327,069,045
Fisheries Bond Redemption Fund 1976 Appropriation .....	\$	764,034
State Building Bond Redemption Fund 1967 Appropriation .....	\$	656,800

Community College Capital Construction Bond Redemption Fund 1975, 1976, 1977 Appropriation .....	\$	11,423,031
Common School Building Bond Redemption Fund 1967 Appropriation .....	\$	6,890,745
Outdoor Recreation Bond Redemption Fund 1967 Appropriation .....	\$	6,292,542
Water Pollution Control Facilities Bond Redemption Fund 1967 Approp- riation .....	\$	4,067,765
State Building and Higher Education Construction Bond Redemption Fund 1967 Appropriation .....	\$	10,349,392
State Building and Parking Bond Redemption Fund 1969 Appropria- tion .....	\$	2,448,830
Waste Disposal Facilities Bond Redemption Fund Appropriation .....	\$	57,944,960
Water Supply Facilities Bond Redemption Fund Appropriation .....	\$	11,952,815
Social and Health Services Facilities 1972 Bond Redemption Fund Appropriation .....	\$	3,705,605
Recreation Improvements Bond Redemption Fund Appropriation .....	\$	5,986,813
Community College Capital Improvement Bond Redemption Fund 1972 Appropriation .....	\$	7,499,389
State Building Authority Bond Redemption Fund Appropriation .....	\$	9,452,680
Office-Laboratory Facilities Bond Redemption Fund Appropriation .....	\$	270,900
University of Washington Hospital Bond Retirement Fund 1975 Appro- priation .....	\$	1,163,924
Washington State University Bond Redemption Fund 1977 Appropria- tion .....	\$	559,915
Higher Education Bond Redemption Fund 1975 Appropriation .....	\$	2,165,785
State Building Bond Redemption Fund 1973 Appropriation .....	\$	3,794,144
State Building Bond Retirement Fund 1975 Appropriation .....	\$	424,780
State Higher Education Bond Redemption Fund 1973 Appropriation .....	\$	4,367,163
Social and Health Services Bond Redemption Fund 1976 Appropria- tion .....	\$	9,475,867
State Building (Expo 74) Bond Redemption Fund 1973A Appropriation .....	\$	372,820
Community College Refunding Bond Retirement Fund 1974 Appropria- tion .....	\$	9,436,996
State Higher Education Bond Redemption Fund 1974 Appropriation .....	\$	1,190,700
Total Appropriation .....	\$	749,650,859

## PART VIII

## MISCELLANEOUS

**NEW SECTION.** Sec. 801. The appropriations contained in this act are maximum expenditure authorizations. Pursuant to RCW 43.88.037, moneys disbursed from the treasury on the basis of a formalized loan agreement with another governmental entity shall be treated as a loan and are to be recorded as loans receivable and not as expenditures for accounting purposes. To the extent that moneys are disbursed on a loan basis, the corresponding appropriation shall be reduced by the amount of loan moneys disbursed from the treasury during the 1987-89 biennium.

**NEW SECTION.** Sec. 802. Notwithstanding the provisions of chapter 82, Laws of 1973 1st ex. sess., the house of representatives, the senate, and the permanent statutory committees shall pay expenses quarterly to the department of general administration facilities and services revolving fund for services rendered by the department for operations, maintenance, and supplies relating to buildings, structures, and facilities utilized by the legislature for the biennium beginning July 1, 1987.

**NEW SECTION.** Sec. 803. Whenever allocations are made from the governor's emergency fund appropriation to an agency which is financed in whole or in part by other than general fund moneys, the director of financial management may direct the repayment of such allocated amount to the general fund from any balance in the fund or funds which finance the agency. No appropriation shall be necessary to effect such repayment.

**NEW SECTION.** Sec. 804. In addition to the amounts appropriated in this act for revenue for distribution, bond retirement and interest including ongoing bond registration and transfer charges, transfers, interest on registered warrants, and certificates of indebtedness, there is also appropriated such further amounts as may be required or available for these purposes under any statutory formula or under any proper bond covenant made in accordance with law.

**NEW SECTION.** Sec. 805. In addition to such other appropriations as are made by this act, there is hereby appropriated to the state finance committee from legally available bond proceeds in the respective construction or building funds and accounts such amounts as are necessary to pay the expenses incurred in the issuance and sale of the subject bonds.

**NEW SECTION.** Sec. 806. Amounts received by an agency as reimbursements pursuant to RCW 39.34.130 shall be considered as returned loans of materials supplied or services rendered. Such amounts may be expended as a part of the original appropriation of the fund to

which it belongs, without further or additional appropriation, subject to conditions and procedures prescribed by the director of financial management, which shall provide for determination of full costs, disclosure of such reimbursements in the governor's budget, maximum interagency usage of data processing equipment and services, and such restrictions as will promote more economical operations of state government without incurring continuing costs beyond those reimbursed.

NEW SECTION, Sec. 807. The appropriations of moneys and the designation of funds and accounts by this and other acts of the 1987 legislature shall be construed in a manner consistent with legislation enacted by the 1985 and 1987 legislatures to conform state funds and accounts with generally accepted accounting principles.

NEW SECTION, Sec. 808. 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. 809. 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 "budget;" strike the remainder of the title and insert "making appropriations and authorizing expenditures for the operations of state agencies for the fiscal biennium beginning July 1, 1987, and ending June 30, 1989; providing effective dates; and declaring an emergency."

Signed by Senators McDermott, McDonald and Hansen; Representatives Grimm, McMullen and Ballard.

#### MOTION

On motion of Senator McDermott, the Report of the Conference Committee on Engrossed Substitute House Bill No. 1221 was adopted and the committee was granted the powers of Free Conference.

#### MOTION

At 11:42 a.m. on motion of Senator Vognild, the Senate recessed until 1:00 p.m.

#### AFTERNOON SESSION

The Senate was called to order at 1:00 p.m. by President Cherberg.

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

#### MESSAGES FROM THE HOUSE

May 18, 1987

MR. PRESIDENT:

The House has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1221 and has granted said committee the powers of Free Conference.

SHARON CASE, Assistant Chief Clerk

May 17, 1987

MR. PRESIDENT:

The Speaker has signed SUBSTITUTE SENATE BILL NO. 5293, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

May 17, 1987

MR. PRESIDENT:

The Speaker has signed SUBSTITUTE SENATE BILL NO. 6016, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

May 17, 1987

MR. PRESIDENT:

The Speaker has signed SENATE CONCURRENT RESOLUTION NO. 8413, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

May 17, 1987

MR. PRESIDENT:

The Speaker has signed SECOND SUBSTITUTE HOUSE BILL NO. 477, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:  
SUBSTITUTE SENATE BILL NO. 6076.

SIGNED BY THE PRESIDENT

The President signed:  
SECOND SUBSTITUTE HOUSE BILL NO. 477.

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

MESSAGES FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENTS

May 8, 1987

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

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

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

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Judiciary.

May 8, 1987

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

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

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

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Judiciary.

May 8, 1987

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

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

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

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Judiciary.

May 8, 1987

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

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

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

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Judiciary.

May 8, 1987

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

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

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

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Judiciary.

May 5, 1987

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Donald V. Hobbs, appointed May 5, 1987, for a term ending January 19, 1991, as a member of the Board of Pharmacy.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Human Services and Corrections.

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

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Peterson, Gubernatorial Appointment No. 9016, William P. Ellis, as a member of the Board of Pilotage Commissioners, was confirmed.

APPOINTMENT OF WILLIAM P. ELLIS

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 40; absent, 7; excused, 2.

Voting yea: Senators Bailey, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McDermott, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Zimmerman - 40.

Absent: Senators Anderson, Barr, Bauer, Gaspard, McCaslin, Talmadge, Wojahn - 7.

Excused: Senators Kiskaddon, Moore - 2.

There being no objection, the President returned the Senate to the second order of business.

REPORT OF FREE CONFERENCE COMMITTEE

May 17, 1987

We of your Free Conference Committee, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 1221, have had the same under consideration and we recommend that the the measure be amended as proposed by the Conference Committee and that the bill do pass as amended.

(See Report of Conference Committee on Engrossed Substitute House Bill No. 1221 read in earlier today)

Signed by Senators McDermott, McDonald and Hansen; Representatives Grimm, McMullen and Ballard.

MOTION

On motion of Senator Hansen, the Report of the Free Conference Committee on Engrossed Substitute House Bill No. 1221 was adopted.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 1221, as amended by the Free Conference Committee.

Debate ensued.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 1221, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 39; nays, 8; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Halsan, Hansen, Hayner, Johnson, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Saling, Sellar, Smitherman, Stratton, Tanner, Vognild, von Reichbauer, West, Williams, Zimmerman - 39.

Voting nay: Senators Fleming, Gaspard, Kreidler, McDermott, Rinehart, Talmadge, Warnke, Wojahn - 8.

Excused: Senators Kiskaddon, Moore - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1221, as amended by the Free Conference Committee, having received the 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 Senator Vognild, the Senate advanced the ninth order of business.

On motion of Senator Vognild, the Committee on Rules was relieved of further consideration of Senate Resolution 1987-8663.

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

## MOTIONS

Senator McDermott moved that the following resolution be adopted:

## SENATE RESOLUTION 1987-8663

by Senators McDermott, Newhouse, West and Fleming

WHEREAS, Washington's accredited independent colleges represent a valuable resource to the residents of this state; and

WHEREAS, These independent institutions of higher education offer programs in localities not directly served by a resident public institution of higher learning; and

WHEREAS, Taking full advantage of these independent institutions would advance the educational opportunities of certain ethnic and economic classes of Washington residents who are underrepresented in the higher education institutions in this state; and

WHEREAS, Recent higher education enrollment data reveals these underrepresented ethnic and economic populations are significantly growing as a percentage of the state's K-12 enrollment population; and

WHEREAS, The independent colleges have an average student teacher ratio of sixteen to one offering an instructional environment which fosters academic success among minority and economically disadvantaged students;

NOW, THEREFORE, BE IT RESOLVED, By the Senate that the Higher Education Coordinating Board, in cooperation with the Office of Financial Management, shall explore the feasibility of an educational equal opportunity grant program solely for minority students and single parents choosing to attend a Washington four-year accredited independent institution; and

BE IT FURTHER RESOLVED, That the Board shall identify the cost effectiveness of providing an equal opportunity grant solely for those students selecting an independent college; and

BE IT FURTHER RESOLVED, That the Board, in cooperation with the Office of the Attorney General, shall determine approaches to providing the grant which would meet constitutional requirements; and

BE IT FURTHER RESOLVED, That the Board shall report its findings to the Senate along with its recommendations by November 1, 1987.

Debate ensued.

## POINT OF INQUIRY

Senator Rasmussen: "Senator McDermott, I am looking at one, two, three, the fourth resolve up on this resolution, 'That it be resolved that the Higher Education Coordinating Board, in cooperation with the Office of Financial Management, shall explore the feasibility of an educational equal opportunity grant program.' That part's fine, but then you go on to say, 'solely for minority students and single parents choosing to attend a Washington four-year accredited independent institution.' Are you sure that you wanted that discrimination in there?"

Senator McDermott: "Which is the discrimination, Senator Rasmussen?"

Senator Rasmussen: "Well, you are saying that the study shall be solely for minority students and single parents. I don't see why and, in fact, after I get your answer I will probably propose to offer an amendment."

Senator McDermott: "Senator Rasmussen, there are equal opportunity programs at the University of Washington and other schools. This is really an attempt to look at the same possibility in the private education sector as a way of being more effective fiscally--getting the most for your money."

Senator Rasmussen: "Well, it is very discriminatory if you are only going to study one side of the program. There are a lot of other people out there who probably want to attend the independent colleges, but it sounds like the Human Rights Commission criticizing the Supreme Court the way I'm talking, with their last decision that they were discriminatory. This would appear to be discriminatory too."

Senator McDermott: "Senator Rasmussen, we studied the effects on various groups all the time. I suppose anytime you make any kind of selection, it is in a sense, discriminatory, but in another sense you have to be specific when you put together a study, or you'd never get anything done. If you study the whole world, it's impossible to get it done, so we selected a group we thought needed to be looked at and did that."

Further debate ensued.

The President declared the question before the Senate to be adoption of Senate Resolution 1987-8663.

The motion by Senator McDermott carried and the resolution was adopted.

## PERSONAL PRIVILEGE

Senator Barr: "Mr. President, a point of personal privilege. I have distributed on your desks a little announcement about industrial development in which we are all very interested. I am especially very proud of all of the big projects that we talked about throughout the state over the last few years. It took little Pend Oreille County to bring it about and I want to also thank the members of this body and the Legislature for the part that they played in what will now be a \$250,000,000 newsprint plant in Pend Oreille County. They will be producing 180,000 tons of newsprint per year. That would be 500 tons a day and they will be employing 600 employees for the two years of construction and then 140 permanent employees and then, of course, the many, many ripple effects of supplying that kind of material. They are five of the major newspaper companies throughout the nation who have gone together with a Canadian firm who will manage it.

"Thank you for the opportunity to make this announcement and again say that CERB participated in this to quite some extent and the tax deferrals that we passed over the last years played a role in it. Had it not been for those kinds of actions by this Legislature, it would not have come about and so, thank you again for the opportunity to talk a little about this. This is the result of natural resources. I want you to really remember why these things come about. It is because of the natural use of our timber products and our natural resources. Thank you for the opportunity to say, 'Thank you to the Legislature' and announce a very important large development in the state of Washington. I hope we can have more."

## MOTION

At 1:45 p.m., on motion of Senator Vognild, the Senate was declared to be at ease.

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

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

## MESSAGES FROM THE HOUSE

May 18, 1987

Mr. President:

The House has passed:

REENGROSSED SUBSTITUTE HOUSE BILL NO. 327, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

May 18, 1987

Mr. President:

The House has passed:

REENGROSSED SUBSTITUTE HOUSE BILL NO. 621, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

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

## INTRODUCTION AND FIRST READING OF HOUSE BILLS

ReESHB 327 by Committee on Ways and Means (originally sponsored by Representatives Bristow, Holland, Grimm, Locke and P. King) (by request of Governor Gardner)

Adopting the capital budget.

Hold.

ReESHB 621 by Committee on Ways and Means (originally sponsored by Representatives Bristow, Silver, Locke, Holland, Grimm, L. Smith, Basich and P. King) (by request of Governor Gardner)

Authorizing state general obligation bonds for capital projects.

Hold.

## MOTION

On motion of Senator Vognild, the rules were suspended, Reengrossed Substitute House Bill No. 327 and Reengrossed Substitute House Bill No. 621 were advanced to second reading and placed on the second reading calendar.

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

## SECOND READING

REENGROSSED SUBSTITUTE HOUSE BILL NO. 327, by Committee on Ways and Means (originally sponsored by Representatives Bristow, Holland, Grimm, Locke and P. King) (by request of Governor Gardner)

Adopting the capital budget.

The bill was read the second time.

## MOTION

Senator Rasmussen moved that the following amendment be adopted:

On page 8, beginning on line 24, strike everything through "500,000" on line 33

Remember the remaining sections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Rasmussen.

The motion by Senator Rasmussen failed and the amendment was not adopted.

## MOTION

Senator Rasmussen moved that the following amendment be adopted:

On page 17, beginning on line 21, strike everything through "7,000,000" on line 31



Renumber the remaining sections consecutively and correct any internal references accordingly.

Debate ensued.

Senator Rasmussen demanded a roll call and the demand was sustained.

Further debate ensued.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator Rasmussen.

#### ROLL CALL

The Secretary called the roll and the motion by Senator Rasmussen failed and the amendment was not adopted by the following vote: Yeas, 19; nays, 28; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Benitz, Cantu, Craswell, Hayner, Lee, McCaslin, Metcalf, Newhouse, Pullen, Rasmussen, Sellar, Stratton, Tanner, von Reichbauer, West, Zimmerman - 19.

Voting nay: Senators Bauer, Bender, Bluechel, Bottiger, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson, Kreidler, McDermott, McDonald, Nelson, Owen, Patterson, Peterson, Rinehart, Saling, Smitherman, Talmadge, Vognild, Warnke, Williams, Wojahn - 28.

Excused: Senators Kiskaddon, Moore - 2.

#### MOTION

Senator Rasmussen moved that the following amendment be adopted:

On page 59, beginning on line 36, strike everything through "6,773,000" on line 44

Renumber the remaining sections consecutively and correct any internal references accordingly.

Debate ensued.

#### POINT OF INQUIRY

Senator Pullen: "Senator Rasmussen, I seem to recall this issue coming up before in the past. If I recall correctly, officials of Evergreen State College had indicated they would not be asking for money for a gym. Is that correct?"

Senator Rasmussen: "That is correct, Senator Pullen. I think that's still their position out there, that they want it to be an educational institution. I would think you will find this request has come from some other place besides the heads of the college."

Senator Pullen: "Thank you. Well, if the officials at Evergreen State College don't want it, I don't know why we are appropriating money for it."

Further debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Rasmussen.

The motion by Senator Rasmussen failed and the amendment was not adopted.

#### MOTION

On motion of Senator Rasmussen, the following amendment was adopted:

On page 120, after line 12, insert the following:

"For the purposes of this section, the governor may find that an amount is in excess of the amount required for the completion of a project only if (1) the project as defined in the notes to the budget document is substantially complete and there are funds remaining or (2) bids have been let on a project and it appears to a substantial certainty that the project as defined in the notes to the budget document can be completed within the biennium for less than the amount appropriated herein.

For the purposes of this section, the legislature intends that each project be defined as proposed to the legislature in the governor's budget document, unless it clearly appears from the legislative history that the legislature intended to define the scope of a project in a different way."

#### MOTION

Senator Smitherman moved that the following amendments by Senators Smitherman, Owen, Craswell and Vognild be considered simultaneously and adopted:

On page 40, line 9, strike "1,461,000" and insert "3,000,000."

On page 40, line 15, strike "3,500,000" and insert "5,039,000."

Debate ensued.

#### POINT OF INQUIRY

Senator Deccio: "Senator Smitherman, this comes as kind of a surprise. I didn't know we were still appropriating money to complete jail construction. Can you bring me up to date?"

Senator Smitherman: "Well, it's my understanding that what happened was that in the jail facility section of the capital budget, there was an allocation made, an appropriation made and what the attempt of that was, was to cover the problems for jail facilities throughout the state as determined by the Corrections Standards Board, but we didn't put enough money in it. This is simply to correct that error."

Senator Deccio: "Well, that is what you said a little while ago. As I said, I didn't know we were still appropriating money to take care of jails. This is still quite a surprise. Who requested this, if I may ask?"

Senator Smitherman: "The counties."

Further debate ensued.

The President declared the question before the Senate to be adoption of the amendments by Senators Smitherman, Owen, Craswell and Vognild.

The motion by Senator Smitherman carried and the amendments were adopted.

#### MOTION

Senator Benitz moved that the following amendment by Senators Benitz and Rasmussen be adopted:

On page 43, beginning on line 17, strike all of section 411 through line 28.

Re-number remaining sections consecutively and correct internal references accordingly.

Debate ensued.

Senator Bender demanded a roll call and the demand was sustained.

Further debate ensued.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senators Benitz and Rasmussen.

#### ROLL CALL

The Secretary called the roll and the motion by Senator Benitz failed and the amendment was not adopted by the following vote: Yeas, 21; nays, 25; absent, 1; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Hayner, Lee, McCaslin, Metcalf, Nelson, Newhouse, Patterson, Pullen, Rasmussen, Saling, Sellar, von Reichbauer, West, Zimmerman - 21.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson, Kreidler, McDermott, McDonald, Owen, Peterson, Rinehart, Smitherman, Stratton, Talmadge, Tanner, Vognild, Warnke, Williams, Wojahn - 25.

Absent: Senator Deccio - 1.

Excused: Senators Kiskaddon, Moore - 2.

#### MOTION

Senator Bottiger moved that the following amendment by Senators Bottiger and Lee be adopted:

On page 118, after line 43, insert the following:

**NEW SECTION, Sec. 914.** The sum of two hundred thousand dollars or as much thereof as may be necessary, is appropriated to the office of financial management from the state building construction account.

The appropriation in this section is subject to the following conditions and limitations:

The office of financial management shall conduct a study on improving the state's capital planning and budgeting process and shall submit a report to the state legislature by January 1, 1988, with appropriate recommendations, plans, and proposed legislation that would establish comprehensive capital planning guidelines and criteria by which state agencies would prepare their six-year capital plans and by which the office of financial management shall conduct reviews and revisions of agency capital budget plans, including lease and lease development projects. These guidelines shall provide for at least the following categories and criteria under which capital requests shall be grouped and evaluated:

(1) **NEW CAPITAL PURCHASE, LEASE, AND LEASE DEVELOPMENT REQUESTS:** The criteria for evaluating such requests should include changes in workload volumes, service levels,

resource requirements necessary to support changes in workload or service levels, and cost-benefit analysis to determine the feasibility of the request as well as the advantages of leasing versus purchasing and vice versa;

(2) REPLACEMENT OF EXISTING CAPITAL ASSETS: The criteria for evaluating such requests should include the alleviation of hazardous conditions in accordance with life-safety and building code requirements, and alleviation of the inability to maintain economically the asset as determined by appropriate cost and feasibility studies;

(3) MAJOR MAINTENANCE: The criteria for evaluating such requests should include, but not be limited to compliance with life-safety and building code requirements, energy conservation, alleviation of overcrowded space conditions, avoidance of waste and deterioration, and enhancements to working conditions;

(4) COMMUNITY AND ECONOMIC DEVELOPMENT (i.e. grants, subsidies, loans, and entitlements to local governments): The criteria for evaluating such requests should include quantifiable measurements for determining the extent to which the project or program meets the goals, objectives, or intent of its authorizing legislation;

(5) OTHER:

(a) Avoiding duplication or waste by coordinating program and project plans and schedules;

(b) Taking advantage of economies of scale by sharing program and project costs; and

(c) Advertising and awarding program and project funds or bids under one rather than multiple contract proposals."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senators Bottiger and Lee.

The motion by Senator Bottiger carried and the amendment was adopted.

#### MOTIONS

On motion of Senator Vognild, the rules were suspended, Reengrossed Substitute House Bill No. 327, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

On motion of Senator Vognild, further consideration of Reengrossed Substitute House Bill No. 327, as amended by the Senate, was deferred.

#### MOTION

On motion of Senator Vognild, the Senate commenced consideration of Reengrossed Substitute House Bill No. 621.

#### SECOND READING

REENGROSSED SUBSTITUTE HOUSE BILL NO. 621, by Committee on Ways and Means (originally sponsored by Representatives Bristow, Silver, Locke, Holland, Grimm, L. Smith, Basich and P. King) (by request of Governor Gardner)

Authorizing state general obligation bonds for capital projects.

The bill was read the second time.

#### MOTION

On motion of Senator Vognild, the rules were suspended, Reengrossed Substitute House Bill No. 621 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Pullen: "Senator Bottiger, what does this do to our bonding capacity? How much do we have left? I think that's a pretty important question that needs to be answered prior to voting on this. It looks to me like if we were right up against the limit before, we're probably exceeding it maybe with this appropriation."

Senator Bottiger: "Senator Pullen, the answer is very, very, very little. I've been yelping and harping about this same subject matter. There is a little bit left. If interest rates continue to go up and go back to where they were about four years ago, you won't be able to sell all the bonds you're authorizing, because that is built into the formula, how much interest you are going to pay. So, the answer is, very, very little, but the limit is there and they will have to stop selling bonds no matter what."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Reengrossed Substitute House Bill No. 621.

#### ROLL CALL

The Secretary called the roll on final passage of Reengrossed Substitute House Bill No. 621 and the bill passed the Senate by the following vote: Yeas, 34; nays, 12; absent, 1; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McDonald, Nelson, Owen, Patterson, Peterson, Rinehart, Saling, Sellar, Smitherman, Stratton, Tanner, Vognild, Warnke, Williams, Wojahn, Zimmerman - 34.

Voting nay: Senators Anderson, Benitz, Cantu, Craswell, McCaslin, Metcalf, Newhouse, Pullen, Rasmussen, Talmadge, von Reichbauer, West - 12.

Absent: Senator McDermott - 1.

Excused: Senators Kiskaddon, Moore - 2.

REENGROSSED SUBSTITUTE HOUSE BILL NO. 621, having received the constitutional 60% 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 Senate resumed consideration of Reengrossed Substitute House Bill No. 327, as amended by the Senate, deferred on third reading earlier today.

The President declared the question before the Senate to be the roll call on final passage of Reengrossed Substitute House Bill No. 327, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Reengrossed Substitute House Bill No. 621, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 38; nays, 8; absent, 1; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McDonald, Nelson, Owen, Patterson, Peterson, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 38.

Voting nay: Senators Benitz, Cantu, Craswell, McCaslin, Metcalf, Newhouse, Pullen, Rasmussen - 8.

Absent: Senator McDermott - 1.

Excused: Senators Kiskaddon, Moore - 2.

REENGROSSED SUBSTITUTE HOUSE BILL NO. 327, 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.

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

#### MESSAGE FROM THE HOUSE

May 18, 1987

Mr. President:

The Speaker has signed:

HOUSE CONCURRENT RESOLUTION NO. 4418,

HOUSE CONCURRENT RESOLUTION NO. 4422, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### SIGNED BY THE PRESIDENT

The President signed:

HOUSE CONCURRENT RESOLUTION NO. 4418,

HOUSE CONCURRENT RESOLUTION NO. 4422.

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

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1225, by Committee on Health Care (originally sponsored by Representatives Brekke, Sayan, Lewis, Braddock, Sprengle, Nelson, Allen, Jacobsen, Grimm, Appelwick, Wineberry, Hine, Niemi, Hargrove, Bristow, Belcher, Lux and P. King)

Developing and implementing prepaid capitated dental hygiene and care programs for medical assistance recipients.

The bill was read the second time.

## MOTION

On motion of Senator Vognild, further consideration of Substitute House Bill No. 1225 was deferred.

## SECOND READING

ENGROSSED HOUSE BILL NO. 1239, by Representative Grimm

Relating to fiscal matters.

The bill was read the second time.

## MOTION

On motion of Senator Vognild, the rules were suspended, Engrossed Substitute House Bill No. 1239 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## MOTION

On motion of Senator Vognild, further consideration of Engrossed House Bill No. 1239 was deferred.

## MOTION

At 3:11 p.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 3:47 p.m. by President Cherberg.

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

## MESSAGE FROM THE HOUSE

May 18, 1987

Mr. President:

The House has passed:

REENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 455, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

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

## INTRODUCTION AND FIRST READING OF HOUSE BILL

ReE2SHB 455 by Committee on Ways and Means (originally sponsored by Representatives Ebersole, Holm, Peery, Cole, Appelwick, Pruitt, Hine, Locke and Unsoeld) (by request of Governor Gardner)

Enhancing the financing and management of the states' schools.

## MOTION

On motion of Senator Vognild, the rules were suspended, Reengrossed Second Substitute House Bill No. 455 was advanced to second reading and placed on the second reading calendar.

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

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Wojahn, Gubernatorial Appointment No. 9041, Chase A. Riveland, as Secretary of the Washington State Department of Corrections, was confirmed.

APPOINTMENT OF CHASE A. RIVELAND

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 44; nays, 1; absent, 2; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McDermott, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Tanner, Vognilid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 44.

Voting nay: Senator McCaslin - 1.

Absent: Senators Deccio, Smitherman - 2.

Excused: Senators Kiskaddon, Moore - 2.

There being no objection, the Senate resumed consideration of Substitute House Bill No. 1225, deferred on second reading earlier today.

POINT OF ORDER

Senator Wojahn: "Mr. President, a point of order. It seems to me that this bill before us is improperly before us, because of the resolution which we passed at the beginning of this session with cut-off dates."

MOTION

On motion of Senator Vognilid, further consideration of Substitute House Bill No. 1225 was deferred.

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

There being no objection, the Senate resumed consideration of Engrossed House Bill No. 1239, deferred on third reading earlier today.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 1239.

Debate ensued.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 1239 and the bill passed the Senate by the following vote: Yeas, 30; nays, 15; absent, 2; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, Garrett, Hansen, Hayner, Johnson, Lee, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Smitherman, Stratton, Tanner, von Reichbauer, West, Zimmerman - 30.

Voting nay: Senators Bottiger, DeJarnatt, Fleming, Gaspard, Halsan, Kreidler, McCaslin, McDermott, Peterson, Rinehart, Talmadge, Vognilid, Warnke, Williams, Wojahn - 15.

Absent: Senators Bender, Deccio - 2.

Excused: Senators Kiskaddon, Moore - 2.

ENGROSSED HOUSE BILL NO. 1239, having received the 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 Senator Vognilid, the Senate advanced to the ninth order of business.

On motion of Senator Vognilid, the Committee on Rules was relieved of further consideration of Senate Resolution 1987-8662.

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

## MOTIONS

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

## SENATE RESOLUTION 1987-8662

by Senator Halsan and Johnson

WHEREAS, Correctional officers and other employees of state institutions work each day in a stressful and frequently dangerous environment, maintaining custody and providing care for adult and juvenile criminal offenders, the mentally ill and the developmentally disabled; and

WHEREAS, A number of recent national studies, including the 1985 report by the American Federation of State, County and Municipal Employees, "Prisoners of Life" -- which included data gathered in Washington State -- have documented the permanent physical and emotional consequences associated with employment in institutional settings; and

WHEREAS, Correctional officers and other "hands on" care providers in our state institutions may not receive full retirement benefits until age sixty under PERS I or until age sixty-five under PERS II, with the majority of these employees now covered by PERS II; and

WHEREAS, In recognition of the stressful and endangering nature of such employment, many states have adopted early retirement provisions for correctional officers and similar occupational groups; and

WHEREAS, Early retirement provisions are available in Washington State for members of LEOFF I (at age fifty), LEOFF II (at age fifty-eight), and the State Patrol Retirement System (at age fifty-five), but are not similarly available to members of PERS I or PERS II; and

WHEREAS, The Legislature has considered adopting legislation in 1986 and 1987 to provide early retirement benefits under PERS I and PERS II for correctional officers and other direct-service employees in state institutions; and

WHEREAS, There is a need to: (1) carefully examine available data; (2) seek expert testimony; and (3) determine appropriate recommendations to the Legislature;

NOW, THEREFORE, BE IT RESOLVED, That the Joint Committee on Retirement Policy, created by Chapter 25, Laws of 1987, undertake an interim study on the policy question of whether the statutes establishing PERS I and PERS II should be amended to incorporate early retirement provisions for correctional officers and other "hands on" care providers in state institutions; and

BE IT FURTHER RESOLVED, That the Joint Committee present its findings and recommendations to the 1988 session of the Legislature.

## MOTIONS

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

## SENATE RESOLUTION 1987-8689

by Senators Kreidler and Halsan

WHEREAS, Each year the All-American Cities Jury recognizes communities for citizen involvement in civic endeavors; and

WHEREAS, The city of Olympia has been selected as a winner in the 1986-87 All-American Cities Award program sponsored by the newly-renamed National Civic League to recognize and honor constructive citizen involvement; and

WHEREAS, Olympia is honored for three major projects involving significant community action: the change from commissioner to council-manager form of government, the revitalization of Olympia's downtown/waterfront, and the founding of the Thurston County Economic Development Council; and

WHEREAS, Olympia's citizens volunteered countless hours to find solutions to several Olympia community problems; and

WHEREAS, The award symbolizes effective citizenship and significant civic accomplishments achieved through a blending of public and private efforts; and

WHEREAS, The city of Olympia is the capitol of the state of Washington; and

WHEREAS, Olympia's community achievements may serve as a model for other Washington communities exploring new roles for government, business and community organizations;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor the citizens of the city of Olympia for their significant community accomplishments and declare that the city of Olympia is, now and forever more, an "All-American City"; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate immediately transmit copies of this resolution to Mayor William H. Daley and the members of the Olympia City Council.

#### MOTIONS

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

#### SENATE RESOLUTION 1987-8690

by Senators Bauer, Zimmerman, Tanner and DeJarnatt

WHEREAS, Each year the All-American Cities Jury recognizes communities for citizen involvement in civic endeavors; and

WHEREAS, The city of Vancouver has been selected as a winner in the 1986-87 All-American Cities Award program sponsored by the newly-renamed National Civic League to recognize and honor constructive citizen involvement; and

WHEREAS, the city of Vancouver has twice been honored with the award, this marking the 30th anniversary of it's original designation; and

WHEREAS, The award honors cities which best exemplify a working partnership among citizens, businesses and local government in solving local problems; and

WHEREAS, The willingness of the citizens of the city of Vancouver to work together, despite all odds, towards preserving the past and building a better tomorrow was demonstrated by the Nihonga Exhibition; and

WHEREAS, Citizens of Vancouver donated thousands of hours to improve the community in which they live; and

WHEREAS, The city of Vancouver is the gateway to the state of Washington and its oldest continuously settled community;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor the citizens of the city of Vancouver for their significant community accomplishments and declare that the city of Vancouver, is, now and forever more, an "All-American City"; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate immediately transmit copies of this resolution to Mayor Bryce Seidl and the members of the Vancouver City Council.

Senators Bauer, Zimmerman and Tanner spoke to the resolution.

#### MOTION

At 4:11 p.m. on motion of Senator Bender, the Senate was declared to be at ease.

The Senate was called to order at 9:04 p.m. by President Cherberg.

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

#### MESSAGES FROM THE HOUSE

May 18, 1987

Mr. President:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 6076, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

May 18, 1987

Mr. President:

The Speaker has signed:



REENGROSSED SUBSTITUTE HOUSE BILL NO. 621, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

May 18, 1987

Mr. President:

The House concurred in the Senate amendments to REENGROSSED SUBSTITUTE HOUSE BILL NO. 327, and passed the bill as amended by the Senate.

SHARON CASE, Assistant Chief Clerk

May 18, 1987

Mr. President:

The House has adopted the Report of the Free Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1221, and has passed the bill as amended by the Free Conference Committee.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:  
SUBSTITUTE HOUSE BILL NO. 621.

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

MOTION

On motion of Senator Zimmerman, Senator Metcalf was excused.

SECOND READING

REENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 455, by Committee on Ways and Means (originally sponsored by Representatives Ebersole, Holm, Peery, Cole, Appelwick, Pruitt, Hine, Locke and Unsoeld) (by request of Governor Gardner)

Enhancing the financing and management of the states' schools.

The bill was read the second time.

MOTION

Senator Bottiger moved that the following amendment by Senators Bottiger and Hayner be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 374, Laws of 1985 as amended by section 40, chapter 185, Laws of 1987 and RCW 84.52.0531 are each amended as follows:

The maximum dollar amount which may be levied by or for any school district for maintenance and operation support under the provisions of RCW 84.52.053 shall be as follows:

(1) For excess levies in 1985 for collection in 1986 and thereafter, the sum of:

(a) That amount equal to ten percent of each school district's prior year basic education allocation; plus

(b) That amount equal to ten percent of each school district's prior year state allocation, exclusive of federal funds, for the following programs:

(i) Pupil transportation;

(ii) Handicapped education costs;

(iii) Gifted; and

(iv) Compensatory education, including but not limited to remediation assistance, bilingual education, and urban, rural, racial disadvantaged programs; plus

(c) In the case of nonhigh school districts only, an amount equal to the total estimated amount due by the nonhigh school district to high school districts pursuant to chapter 28A.44 RCW, as now or hereafter amended, for the school year during which collection of the levy is to commence, less the increase in the nonhigh school district's basic education allocation as computed pursuant to subsection (4) of this section due to the inclusion of pupils participating in a program provided for in chapter 28A.44 RCW in such computation.

(2) Excess levies authorized under this section or under RCW 84.52.052 shall not be used directly or indirectly to increase the average salary or fringe benefits for certificated or classified personnel in any school district: PROVIDED, That any school district may expend excess levy funds to provide increases in salary and fringe benefits for classified or certificated personnel whose salary and fringe benefits are provided wholly from local school district excess

levies in a percentage not to exceed the respective average percentage increases in the salary and fringe benefit levels for classified and certificated employees of the district funded with state appropriated funds: PROVIDED FURTHER, That those contracts which have been negotiated prior to July 1, 1977 by those school districts for such school year shall not be abrogated by this section. "Fringe benefits" for purposes of this subsection shall include:

(a) Employer retirement contributions, if applicable;

(b) Health and insurance payments including life, accident, disability, unemployment compensation, and workmen's compensation; and

(c) Employer social security contributions.

(3) Any school district whose average base compensation for certificated or classified personnel respectively is below state-wide average base compensation level for certificated or classified personnel during the preceding school year, may collect and expend property taxes authorized by this section, or under RCW 84.52.052, for the purpose of increasing such district's average compensation for certificated or classified personnel as allowed in the latest applicable state operating budget. "Compensation", for purposes of this subsection, shall mean salary plus fringe benefits for classified and certificated personnel of a school district as allowed in the latest applicable state operating budget.

(4) For the purpose of this section, the basic education allocation shall be determined pursuant to RCW 28A.41.130, 28A.41.140, and 28A.41.145, as now or hereafter amended: PROVIDED, That when determining the basic education allocation under subsection (1) of this section, effective September 1, 1979, nonresident full time equivalent pupils who are participating in a program provided for in chapter 28A.44 RCW or in any other program pursuant to an interdistrict agreement shall be included in the enrollment of the resident district and excluded from the enrollment of the serving district.

Certificated personnel shall include those persons employed by a school district in a teaching, instructional, administrative or supervisory capacity and who hold positions as certificated personnel 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. Classified personnel shall include those persons employed by a school district other than certificated personnel as defined in this section in a capacity for which certification is not required.

(5) Any district is authorized to exceed the levy limitations imposed by subsection (1) for taxes to be collected during calendar years 1985 through 1993 as follows:

(a) For excess levies to be collected in calendar years 1986, 1987, ~~((and))~~ 1988, and 1989, a base year levy percentage shall be established. The base year levy percentage shall be equal to the greater of: (i) The district's actual levy percentage for calendar year 1985, (ii) the average levy percentage for all school district levies in the state in calendar year 1985, or (iii) the average levy percentage for all school district levies in the educational service district of the district in calendar year 1985.

(b) The base year levy percentage established in (a) of this subsection shall be reduced in even increments beginning in calendar year ~~((1989))~~ 1990. The incremental reduction shall equal one-fifth of the percentage points the base year levy percentage exceeds the amount authorized in subsection (1) of this section.

(c) For excess levies to be collected in calendar year 1993, the maximum dollar amount which may be levied by or for any school district shall not exceed the amount authorized in subsection (1) of this section. The provisions of this subsection shall not apply to excess levies to be collected after calendar year 1993.

(6) The superintendent of public instruction shall develop rules and regulations and inform school districts of the pertinent data necessary to carry out the provisions of this section.

**NEW SECTION.** Sec. 2. A new section is added to chapter ... (ESHB 1221), Laws of 1987 1st ex. sess. to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR GENERAL APPORTIONMENT (BASIC EDUCATION)**

General Fund Appropriation . . . . .	\$	3,695,520,000
Revenue Accrual Account Appropriation . . . . .	\$	55,100,000
Total Appropriation . . . . .	\$	3,750,620,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$367,646,000 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 salary as determined under section 105(3)(a) 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 507 of chapter ... (ESHB 1221), Laws of 1987 1st ex. sess., and excluding full time equivalent enrollment otherwise recognized for certificated staff unit allocations under (c) through (h) of this subsection:

(i) Fifty certificated staff units for each one thousand full time equivalent kindergarten through twelfth grade students;

(ii) For the 1987-88 school year, two additional certificated staff units for each one thousand full time equivalent students in kindergarten through grade three; and

(iii) For the 1988-89 school year, three additional certificated staff units for each one thousand full time equivalent students in kindergarten through grade three.

(iv) It is the intent of the legislature that school districts use the increased funds provided in subsection (2)(a) of this section to provide improved adult-student classroom ratios and, to the extent possible, additional certificated instructional staff.

(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 share that such increased enrollment would have generated had such additional full time equivalent students been included in the normal enrollment count for that particular month.

(c) One certificated staff unit 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 one certificated staff unit 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, two certificated staff units for enrollment of not more than five students, plus one-twentieth of a certificated staff unit for each additional student enrolled; and

(ii) For those enrolling students in either grades seven or eight, two certificated staff units for enrollment of not more than five students, plus one-tenth of a certificated 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 enrollments of up to sixty annual average full time equivalent students in kindergarten through grade six, three certificated staff units; and

(ii) For enrollments of up to twenty annual average full time equivalent students in grades seven and eight, one certificated staff unit.

(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 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 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, for enrollments in each such high school, excluding handicapped and vocational full time equivalent enrollments:

(i) Nine and one-half certificated staff units for the first sixty annual average full time equivalent students; and

(ii) Additional certificated staff units based upon a ratio of one certificated staff unit per each additional forty-three and one-half 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 105(3)(b) of this act by the district's formula-generated classified staff units determined as follows:

(a) For enrollments generating certificated staff unit allocations under subsection (2)(d) through (h) of this section, one classified staff unit per each three certificated staff units allocated under such subsection.

(b) For all other enrollments, including vocational but excluding handicapped full time equivalent enrollments, 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 19.41 percent in the 1987-88 school year and 19.53 percent in the 1988-89 school year of certificated salary allocations provided under subsection (2) of this section, and a rate of 17 percent in the 1987-88 school year and 17.12 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 subsection (2) (a), (b), and (d) through (h) of this section, there shall be provided a maximum of \$5,973 per certificated staff unit in the 1987-88 school year and a maximum of \$6,188 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 \$11,382 per certificated staff unit in the 1987-88 school year and a maximum of \$11,792 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 \$3,176,000 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 \$1,121,000 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 this act, the following shall be recognized as levy reduction funds:

(a) For certificated staff units generated under subsection (2)(a)(ii) of this section, all allocations for nonemployee related costs and one-half of all allocations for certificated salaries and benefits; and

(b) For certificated staff units generated under subsection (2)(a)(iii) of this section, one-third of all allocations including salaries, benefits, and nonemployee related costs.

(10) As a condition to the allocation of funds to school districts appropriated pursuant to this section, the superintendent of public instruction shall require school districts to ensure that, during the respective school year, the district has complied with all rules adopted by the superintendent of public instruction to implement RCW 28A.58.095. For any violation of such rules, the superintendent shall withhold an amount equal to the level of violation when applied to the district's respective basic education allocation, unless or until such time as the school district comes into compliance with the rules.

(11) 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.

(12) The revenue accrual account appropriation in this section is provided solely for pension contribution allocations under subsection (4) of this section.

NEW SECTION, Sec. 3. A new section is added to chapter ... (ESHB 1221), Laws of 1987 1st ex. sess. to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—SCHOOL DISTRICT EMPLOYEE COMPENSATION**

General Fund Appropriation . . . . . \$ 131,892,000

For the purposes of section 104 of this act and this section, the following conditions and limitations apply:

(1)(a) "LEAP Document 10A" means the computer tabulation of 1986-87 derived base salaries for basic education certificated staff and 1986-87 average salaries for basic education classified staff, as developed by the legislative evaluation and accountability program committee on May 11, 1987, at 11:07 hours.

(b) "LEAP Document 1" means the computer tabulation of staff mix factors characterizing certificated staff by educational experience and years of service, as developed by the legislative evaluation and accountability program committee on April 20, 1981, at 11:35 hours.

(c) "Incremental fringe benefits" means 18.77 percent in the 1987-88 school year and 18.89 percent in the 1988-89 school year for certificated staff, and 13.47 percent in the 1987-88 school year and 13.59 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 this section.

(2) For the purposes of RCW 28A.58.095 and section 104(9) of this act, the following conditions and limitations apply:

(a) Effective September 1, 1987, each school district is authorized to grant salary increases that increase the district's basic education certificated derived base salary to no more than the greater of: (i) The district's certificated derived base salary as shown on LEAP Document 10A increased by 2.1 percent; or (ii) \$17,615.

(b) Effective September 1, 1988, each school district is authorized to grant salary increases that increase the district's basic education certificated derived base salary to no more than the greater of: (i) The district's maximum certificated derived base salary for the 1987-88 school year under (a) of this subsection further increased by 2.1 percent; or (ii) \$18,151.

(c) Effective September 1, 1987, each school district is authorized to grant salary increases that increase the district's basic education average classified salary to no more than the sum of: (i) The district's average classified salary as shown on LEAP Document 10A; and (ii) 2.7 percent of the state-wide average classified salary shown on LEAP Document 10A.

(d) Effective September 1, 1988, each school district is authorized to grant salary increases that increase the district's basic education average classified salary to no more than the sum of: (i) The district's maximum average classified salary for the 1987-88 school year under (c) of this subsection; and (ii) 2.77 percent of the state-wide average classified salary as shown on LEAP Document 10A.

(e) The maximum percentage salary increase in school district programs other than the basic education program shall not exceed the percentage increase authorized pursuant to this section for the district's basic education program.

(f) (i) The maximum percentage increase in each district's certificated derived base salary for administrative group employees, computed using LEAP Document 1, shall not exceed the percentage increase authorized pursuant to this section in the district's basic education certificated derived base salary.

(ii) The maximum percentage increase in each district's classified average salary for administrative group employees shall not exceed the percentage increase authorized pursuant to this section in the district's basic education average classified salary.

(g) Insurance benefits are limited by this act to an average monthly rate of \$167 per full time equivalent certificated employee and to an average monthly rate of \$167 per classified unit. Classified units shall be calculated on the basis of 1,440 hours of work per year, with no individual employee counted for more than one unit. In accordance with RCW 28A.58.095, this subsection relates to insurance benefit increases granted in either the 1987-88 or 1988-89 school year which would raise the rate per full time equivalent unit to more than \$167 per month.

(h) Increments granted by school districts to certificated staff shall constitute salary increase in the year in which the increments are given by a district to the extent only that the aggregate of increments granted by a district exceeds the aggregate of increments pursuant to LEAP Document 1.

(i) School districts may elect an alternate measure of salary compliance for classified staff by comparing average salaries for the current school year to the imputed classified average salary that was or would have been paid the same staff in the same positions during the prior school year if the districts electing this alternative certify by board resolution that any amount in excess of state-funded salary levels in each year thereafter is solely a district obligation created through local district personnel policies and salary schedule placements, and that the effect shall neither incur nor imply any current or future funding obligation by the state.

(j) For the purposes of this subsection and implementation of RCW 28A.58.095, "basic education" means those school district programs defined in the accounting manual for public schools in the state of Washington as 01 - Basic Education, 31 - Vocational Secondary, 94 - General Instructional Support, and 97 - General Support Services;

(3)(a) For the purposes of the appropriation in section 104 of this act, each district's average basic education certificated salary allocation shall be the district's certificated derived base salary as shown on LEAP Document 10A, multiplied by the district's prior year staff mix factor for basic education certificated staff calculated using LEAP Document 1.

(b) For the purposes of the appropriation in section 104 of this act, each district's average basic education classified salary allocation shall be the amount shown on LEAP Document 10A.

(4)(a) \$34,822,000 is provided to increase funding for each basic education certificated staff unit allocated for the 1987-88 school year under section 104(2) of this act by an amount equal to the district's basic education certificated staff mix factor for the prior school year, determined using LEAP Document 1, multiplied by the difference between the district's maximum 1987-88

certificated derived base salary authorized under subsection (2)(a) of this section and the district's certificated derived base salary shown on LEAP Document 10A, and for incremental fringe benefits.

(b) \$58,069,000 is provided to increase funding for each basic education certificated staff unit allocated under section 104(2) of this act for the 1988-89 school year by an amount equal to the district's basic education certificated staff mix factor for the prior school year, determined using LEAP Document 1, multiplied by the difference between the district's maximum 1988-89 certificated derived base salary authorized under subsection (2)(b) of this section and the district's certificated derived base salary shown on LEAP Document 10A, and for incremental fringe benefits.

(c) \$6,886,000 is provided to increase funding for each basic education classified staff unit allocated for the 1987-88 school year under section 104(3) of this act by 2.7 percent of the state-wide average classified salary shown on LEAP Document 10A, and for incremental fringe benefits.

(d) \$11,310,000 is provided to increase funding for each basic education classified staff unit allocated under section 104(3) of this act for the 1988-89 school year by 5.47 percent of the state-wide average classified salary shown on LEAP Document 10A, and for incremental fringe benefits.

(5) A maximum of \$13,017,000 is provided to implement salary increases 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 shall be distributed by increasing allocation rates for each school year by the amounts specified:

(a) Transitional bilingual instruction: The rates specified in section 509 of chapter ... (ESHB 1221), Laws of 1987 1st ex. sess. shall be increased by \$10.74 per pupil for the 1987-88 school year and by \$21.79 per pupil for the 1988-89 school year.

(b) Learning assistance: The rates specified in section 510 of chapter ... (ESHB 1221), Laws of 1987 1st ex. sess. shall be increased by \$8.24 per pupil for the 1987-88 school year and by \$16.72 per pupil for the 1988-89 school year.

(c) Education of highly capable students: The rates specified in section 511 of chapter ... (ESHB 1221), Laws of 1987 1st ex. sess. shall be increased by \$6.36 per pupil for the 1987-88 school year and by \$12.90 per pupil for the 1988-89 school year.

(d) Vocational technical institutes: The rates for vocational programs specified in section 513 of chapter ... (ESHB 1221), Laws of 1987 1st ex. sess. shall be increased by \$56.86 per full time equivalent student for the 1987-88 school year, and by \$115.39 per full time equivalent student for the 1988-89 school year.

(e) Pupil transportation: The rates provided under section 516 of chapter ... (ESHB 1221), Laws of 1987 1st ex. sess. shall be increased by \$0.42 per weighted pupil-mile for the 1987-88 school year, and by \$0.86 per weighted pupil-mile for the 1988-89 school year.

(6) A maximum of \$7,788,000 is provided for salary increases and incremental fringe benefits for state-supported certificated and classified staff allocations in the handicapped program and state-supported staff in institutional education programs and educational service districts. Such moneys shall be distributed to implement the same percentage salary increases as authorized for basic education staff under this section.

(7)(a) As a condition to the allocation of funds provided by this section for the 1987-88 school year, the superintendent of public instruction shall require school districts to ensure that the district has established for that school year a minimum full time equivalent salary for all certificated staff of \$17,115, excluding supplemental contracts.

(b) As a condition to the allocation of funds provided by this section for the 1988-89 school year, the superintendent of public instruction shall require school districts to ensure that the district has established for that school year a minimum full time equivalent salary for all certificated staff of \$17,651, excluding supplemental contracts.

**NEW SECTION.** Sec. 4. Sections 503, 504, and 505, chapter ... (ESHB 1221), Laws of 1987 1st ex. sess. (uncodified) are hereby repealed.

**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 July 1, 1987."

Debate ensued.

Senator Gaspard demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senators Bottiger and Hayner.

#### ROLL CALL

The Secretary called the roll and the motion by Senator Bottiger carried and the amendment was adopted by the following vote: Yeas, 30; nays, 10; absent, 6; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, Halsan, Hansen, Hayner, Johnson, Lee, McCaslin, McDonald, Nelson, Newhouse, Patterson, Peterson, Rasmussen, Saling, Sellar, Stratton, Vognild, von Reichbauer, West, Zimmerman - 30.

Voting nay: Senators Fleming, Garrett, Gaspard, Kreidler, McDermott, Rinehart, Smitherman, Talmadge, Tanner, Williams - 10.

Absent: Senators Bender, DeJarnatt, Owen, Pullen, Warnke, Wojahn - 6.

Excused: Senators Kiskaddon, Metcalf, Moore - 3.

#### MOTIONS

On motion of Senator Zimmerman, Senators Pullen and Owen were excused.

On motion of Senator Bottiger, Senators DeJarnatt, Warnke and Wojahn were excused.

#### MOTIONS

On motion of Senator Vognild, the following title amendment was adopted:

On page 1, line 1, after ".0531" strike the remainder of the title and insert:

"and 84.52.053; adding a new section to chapter 28A.41 RCW; adding new sections to chapter ... (ESHB 1221), Laws of 1987 1st ex. sess.; repealing sections 503, 504, and 505, chapter ... (ESHB 1221), Laws of 1987 1st ex. sess. (uncodified); making appropriations; providing effective dates; and declaring an emergency."

On motion of Senator Vognild, the rules were suspended, Reengrossed Second Substitute House Bill No. 455, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Reengrossed Second Substitute House Bill No. 455, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Reengrossed Second Substitute House Bill No. 455, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 26; nays, 13; absent, 2; excused, 8.

Voting yea: Senators Anderson, Bailey, Bauer, Benitz, Bluechel, Bottiger, Cantu, Craswell, Deccio, Halsan, Hansen, Hayner, Johnson, Lee, McDonald, Newhouse, Patterson, Rasmussen, Saling, Sellar, Smitherman, Stratton, Vognild, von Reichbauer, West, Zimmerman - 26.

Voting nay: Senators Barr, Conner, Fleming, Garrett, Gaspard, Kreidler, McCaslin, McDermott, Nelson, Rinehart, Talmadge, Tanner, Williams - 13.

Absent: Senators Bender, Peterson - 2.

Excused: Senators DeJarnatt, Kiskaddon, Metcalf, Moore, Owen, Pullen, Warnke, Wojahn - 8.

REENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 455, 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.

#### MOTION

At 9:20 p.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 9:41 p.m. by President Cherberg.

#### MOTION

On motion of Senator Bottiger, the following interim committees were confirmed.

JOINT COMMITTEE ON PENSION POLICY; Senators Moore, Rasmussen, Garrett, Smitherman, Hayner, Johnson, Saling and Nelson.

COMMUNITY ECONOMIC REVITALIZATION BOARD; Senators Warnke and Cantu.

WASHINGTON HORSE RACING COMMISSION; Senators Warnke and West.

WASHINGTON STATE EFFICIENCY STUDY COMMISSION; Senators Smitherman and McCaslin.

WASHINGTON STATE WINTER RECREATION COMMISSION; Senators Bottiger and Bluechel.

JOINT COMMITTEE ON MARINE AND OCEAN RESOURCES; Senators Owen, DeJarnatt, Bluechel and Metcalf.

GOVERNOR'S SMALL BUSINESS IMPROVEMENT COUNCIL; Senators Fleming and Lee.

CONDOMINIUM COMMITTEE; Senators Talmadge and Nelson.

GOVERNOR'S COMMISSION ON CHILDREN; Senators Rinehart, Bender, Bailey and Anderson.

REVISING THE JUDICIAL COUNCIL; Senators Talmadge and Newhouse.

JOINT SELECT COMMITTEE ON LABOR/MANAGEMENT; Senators Warnke, Smitherman, Hansen, Bender, Lee, Anderson, West and Metcalf.

LEGISLATIVE COMMITTEE ON ECONOMIC DEVELOPMENT; Senators Warnke, Fleming, Tanner, Patterson, Saling and Metcalf.

JOINT LEGISLATIVE ETHICS BOARD; Senators Gaspard, DeJarnatt, Newhouse and Sellar.

LEAP COMMITTEE; Senators Tanner, Kreidler, McDonald and Cantu.

ORGANIZED CRIME ADVISORY BOARD; Senators Halsan, Talmadge, Hayner and Newhouse.

STATUTE LAW COMMITTEE; Senators Talmadge, Halsan and Hayner.

COMMITTEE ON ENERGY AND UTILITIES; Senators Bauer, Vognild, Benitz and Newhouse.

LEGISLATIVE TRANSPORTATION COMMITTEE; Senators Peterson, Conner, Hansen, Vognild, DeJarnatt, Bender, Patterson, Sellar, von Reichbauer, Johnson and West.

LEGISLATIVE SYSTEMS COMMITTEE; Senators Bauer, Halsan, Cantu and Hayner.

JOINT SELECT SUNSET COMMITTEE; Senators Bender, Rinehart, Kiskaddon and Lee.

LEGISLATIVE BUDGET COMMITTEE; Senators McDermott, Wojahn, Gaspard, Talmadge, Zimmerman, Lee, Barr and Nelson.

PUBLIC DEFENDER TASK FORCE; Senators Halsan and McCaslin.

ACTUARY, OFFICE OF THE SPECIAL COMMITTEE; Senators Gaspard and Saling.

LOCAL GOVERNANCE STUDY COMMISSION; Senators Halsan, Zimmerman and von Reichbauer.

JOINT ADMINISTRATIVE RULES REVIEW COMMITTEE; Halsan, Kreidler, Deccio and Johnson.

MUNICIPAL RESEARCH COUNCIL; Garrett, Stratton, Zimmerman and West.

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

#### INTRODUCTION AND FIRST READING

SCR 8418 by Senators Bottiger, Fleming, Hayner and Sellar

Returning all bills to house of origin.

#### MOTIONS

On motion of Senator Vognild, the rules were suspended, Senate Concurrent Resolution No. 8418 was advanced to second reading and read the second time.

On motion of Senator Vognild, the rules were suspended, Senate Concurrent Resolution No. 8418 was advanced to third reading, the second reading considered the third, and the resolution was adopted.

#### MOTIONS

On motion of Senator Vognild, the Senate advanced to the ninth order of business.

On motion of Senator Vognild, the following bills remaining on the third reading calendar were returned to the Committee on Rules:

Substitute Senate Bill No. 5264,

Engrossed Second Substitute Senate Bill No. 5452,

Substitute Senate Bill No. 5544,

Substitute Senate Bill No. 5973,

Engrossed Substitute Senate Bill No. 6055,

Engrossed Senate Bill No. 6073.



On motion of Senator Vognild, Senate Bill No. 6077, which was on the second reading calendar was returned to the Committee on Rules.

## MOTION

At 9:51 p.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 9:54 p.m. by President Cherberg.

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

## MESSAGES FROM THE HOUSE

May 18, 1987

Mr. President:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 327,

SUBSTITUTE HOUSE BILL NO. 1221, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

May 18, 1987

Mr. President:

The Speaker has signed:

HOUSE BILL NO. 1239, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

## SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 327,

SUBSTITUTE HOUSE BILL NO. 1221,

HOUSE BILL NO. 1239.

## MOTION

At 9:55 p.m. on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 11:02 p.m. by President Cherberg.

## MOTION

At 11:05 p.m., on motion of Senator Bottiger, the Senate adjourned until 1:30 p.m., Tuesday, May 19, 1987.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

## TWENTY-THIRD DAY

---

### AFTERNOON SESSION

---

Senate Chamber, Olympia, Tuesday, May 19, 1987

The Senate was called to order at 1:30 p.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Bauer, Bender, Craswell, Deccio, DeJarnatt, Halsan, Johnson, Kiskaddon, Kreidler, Lee, McDermott, Moore, Pullen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge and Warnke. There being no objection, the President excused all Senators not present.

The Sergeant at Arms Color Guard, consisting of Pages Jennifer Hawkins and Kelli McSwan, presented the Colors. Reverend Dennis Hartsook, pastor of St. Mark's Lutheran Church of Lacey, offered the prayer.

#### MOTION

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

#### MESSAGE FROM THE GOVERNOR

May 18, 1987

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on May 18, 1987, Governor Gardner approved the following Senate Bills entitled:

Senate Bill No. 5035

Relating to the interagency committee for outdoor recreation.

Substitute Senate Bill No. 5058

Relating to legislative review of agency rules.

Senate Bill No. 5110

Relating to tuition and fee waivers.

Substitute Senate Bill No. 5163

Relating to midwifery.

Senate Bill No. 5201

Relating to conflicts of interest.

Substitute Senate Bill No. 5219

Relating to naturopathic physicians.

Senate Bill No. 5380

Relating to cost-of-living adjustments of retirement benefits.

Substitute Senate Bill No. 5439

Relating to the department of natural resources.

Second Substitute Senate Bill No. 5453

Relating to long-term care services.

Senate Bill No. 5483

Relating to higher education retirement benefits.

Substitute Senate Bill No. 5533

Relating to the preparation of an ocean resources assessment.

Senate Bill No. 5597

Relating to schools offering cosmetology, barbering, or manicuring instruction.

Substitute Senate Bill No. 5880

Relating to private vocational schools.

Sincerely,  
TERRY SEBRING, Legal Counsel to the Governor  
MOTION

At 1:37 p.m., on motion of Senator Vognild, the Senate adjourned until 9:00 a.m., Wednesday, May 20, 1987.

JOHN A. CHERBERG, President of the Senate.  
SID SNYDER, Secretary of the Senate.

**TWENTY-FOURTH DAY**

---

**MORNING SESSION**

---

Senate Chamber, Olympia, Wednesday, May 20, 1987

The Senate was called to order at 9:00 a.m. by President Pro Tempore Rasmussen. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Bauer, Deccio, DeJarnatt, Garrett, Halsan, Johnson, Kiskaddon, Kreidler, Lee, Moore, Nelson, Newhouse, Owen, Saling, Sellar, Stratton, Talmadge and Wojahn. There being no objection, the President Pro Tempore excused all Senators not present.

The Sergeant at Arms Color Guard, consisting of Pages Dean Meier and Jeremy Byers, presented the Colors. Sister Georgette Bayless, director of pastoral care for St. Peter Hospital of Olympia, offered the prayer.

**MOTION**

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

**MOTION**

At 9:05 a.m., on motion of Senator Smitherman, the Senate was declared to be at ease.

The Senate was called to order at 9:53 a.m. by President Pro Tempore Rasmussen.

**MOTION**

At 9:53 a.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 11:33 a.m. by President Pro Tempore Rasmussen.

**MOTION**

At 11:33 a.m., on motion of Senator Vognild, the Senate adjourned until 1:30 p.m., Thursday, May 21, 1987.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

## TWENTY-FIFTH DAY

---

### AFTERNOON SESSION

---

Senate Chamber, Olympia, Thursday, May 21, 1987

The Senate was called to order at 1:30 p.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Johnson, Lee, Pullen and Sellar.

The Sergeant at Arms Color Guard, consisting of Pages Hanna Cox and Jeremy Byers, presented the Colors. Reverend Richard Hart, senior pastor of the First Baptist Church of Olympia, offered the prayer.

#### MOTION

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

#### MOTION

At 1:34 p.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 2:30 p.m. by President Cherberg.

#### MOTION

On motion of Senator Vognild, Senate advanced to the fourth order of business.

#### MESSAGE FROM THE HOUSE

May 20, 1987

MR. PRESIDENT:

The House refuses to concur in the Senate amendments to REENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 455 and asks the Senate to recede therefrom, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

On motion of Senator Vognild, the rules were suspended, Reengrossed Second Substitute House Bill No. 455, as amended by the Senate, was returned to second reading and read the second time.

#### MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Bottiger moved to reconsider the vote by which the striking amendment by Senators Bottiger and Hayner was adopted May 18, 1987.

The President declared the question before the Senate to be the motion by Senator Bottiger to reconsider the vote by which the striking amendment by Senators Bottiger and Hayner to Reengrossed Second Substitute House Bill No. 455 was adopted.

The motion by Senator Bottiger carried and the Senate commenced reconsideration of the striking amendment.

#### MOTION

On motion of Senator Bottiger, the striking amendment by Senators Bottiger and Hayner was not adopted on reconsideration.

#### MOTION

Senator Gaspard moved that the following amendment by Senators Gaspard and Bottiger be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature intends to establish the limitation on school district maintenance and operations levies at twenty percent, with ten percent to be equalized on a

state-wide basis. The legislature further intends to establish a modern school financing system for compensation of school staff and provide a class size reduction in grades kindergarten through three. The legislature intends to give the highest funding priority to strengthening support for existing school programs.

The legislature finds that providing for the adoption of a state-wide salary allocation schedule for certificated instructional staff will encourage recruitment and retention of able individuals to the teaching profession, and limit the administrative burden associated with implementing state teacher salary policies.

PART I  
FINANCING OUR SCHOOLS

Sec. 101. Section 1, chapter 374, Laws of 1985 as amended by section 40, chapter 185, Laws of 1987 and RCW 84.52.0531 are each amended to read as follows:

The maximum dollar amount which may be levied by or for any school district for maintenance and operation support under the provisions of RCW 84.52.053 shall be determined as follows:

(1) ~~((For excess levies in 1985 for collection in 1986 and thereafter, the sum of:~~

~~(a) That amount equal to ten percent of each school district's prior year basic education allocation; plus~~

~~(b) That amount equal to ten percent of each school district's prior year state allocation, exclusive of federal funds, for the following programs:~~

~~(i) Pupil transportation;~~

~~(ii) Handicapped education costs;~~

~~(iii) Gifted; and~~

~~(iv) Compensatory education, including but not limited to remediation assistance, bilingual education, and urban, rural, racial disadvantaged programs; plus~~

~~(c) in the case of nonhigh school districts only, an amount equal to the total estimated amount due by the nonhigh school district to high school districts pursuant to chapter 28A.44 RCW, as now or hereafter amended, for the school year during which collection of the levy is to commence, less the increase in the nonhigh school district's basic education allocation as computed pursuant to subsection (4) of this section due to the inclusion of pupils participating in a program provided for in chapter 28A.44 RCW in such computation.~~

~~(2) Excess levies authorized under this section or under RCW 84.52.052 shall not be used directly or indirectly to increase the average salary or fringe benefits for certificated or classified personnel in any school district. PROVIDED: That any school district may expend excess levy funds to provide increases in salary and fringe benefits for classified or certificated personnel whose salary and fringe benefits are provided wholly from local school district excess levies in a percentage not to exceed the respective average percentage increases in the salary and fringe benefit levels for classified and certificated employees of the district funded with state appropriated funds. PROVIDED FURTHER: That those contracts which have been negotiated prior to July 1, 1977 by those school districts for such school year shall not be abrogated by this section. "Fringe benefits" for purposes of this subsection shall include:~~

~~(a) Employer retirement contributions, if applicable;~~

~~(b) Health and insurance payments including life, accident, disability, unemployment compensation, and workers' compensation; and~~

~~(c) Employer social security contributions.~~

~~(3) Any school district whose average base compensation for certificated or classified personnel respectively is below state-wide average base compensation level for certificated or classified personnel during the preceding school year, may collect and expend property taxes authorized by this section, or under RCW 84.52.052, for the purpose of increasing such district's average compensation for certificated or classified personnel as allowed in the latest applicable state operating budget. "Compensation", for purposes of this subsection, shall mean salary plus fringe benefits for classified and certificated personnel of a school district as allowed in the latest applicable state operating budget.~~

~~(4)) For the purpose of this section, the basic education allocation shall be determined pursuant to RCW 28A.41.130, 28A.41.140, and 28A.41.145, as now or hereafter amended. PROVIDED, That when determining the basic education allocation under subsection ((b)) (4) of this section, ((effective September 1, 1979;)) nonresident full time equivalent pupils who are participating in a program provided for in chapter 28A.44 RCW or in any other program pursuant to an interdistrict agreement shall be included in the enrollment of the resident district and excluded from the enrollment of the serving district.~~

~~((Certificated personnel shall include those persons employed by a school district in a teaching, instructional, administrative or supervisory capacity and who hold positions as certificated personnel as defined under RCW 28A.01.136, 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. Classified personnel shall include those persons employed by a school district other than certificated personnel as defined in this section in a capacity for which certification is not required.~~

(5) Any district is authorized to exceed the levy limitations imposed by subsection (1) for taxes to be collected during calendar years 1985 through 1993 as follows:

(a)) (2) For ~~(excess levies to be collected in calendar years 1986, 1987, and 1988)~~ the purposes of subsection (5) of this section, a base year levy percentage shall be established. The base year levy percentage shall be equal to the greater of: ~~((#))~~ (a) The district's actual levy percentage for calendar year 1985, ~~((##))~~ (b) the average levy percentage for all school district levies in the state in calendar year 1985, or ~~((###))~~ (c) the average levy percentage for all school district levies in the educational service district of the district in calendar year 1985.

~~((b) The base year levy percentage established in (a) of this subsection shall be reduced in even increments beginning in calendar year 1989. The incremental reduction shall equal one-fifth of the percentage points the base year levy percentage exceeds the amount authorized in subsection (1) of this section.~~

~~(c) For excess levies to be collected in calendar year 1993, the maximum dollar amount which may be levied by or for any school district shall not exceed the amount authorized in subsection (1) of this section. The provisions of this subsection shall not apply to excess levies to be collected after calendar year 1993.~~

~~((6)) (3) For excess levies for collection in calendar year 1988 and thereafter, the maximum dollar amount shall be the total of:~~

~~(a) The district's levy base as defined in subsection (4) of this section multiplied by the district's maximum levy percentage as defined in subsections (5) and (6) of this section; plus~~

~~(b) In the case of nonhigh districts only, an amount equal to the total estimated amount due by the nonhigh school district to high school districts pursuant to chapter 28A.44 RCW for the school year during which collection of the levy is to commence, less the increase in the nonhigh school district's basic education allocation as computed pursuant to subsection (1) of this section due to the inclusion of pupils participating in a program provided for in chapter 28A.44 RCW in such computation; less~~

~~(c) The maximum amount of state matching funds under section 102 of this 1987 act for which the district is eligible in that tax collection year.~~

~~(4) For excess levies for collection in calendar year 1988 and thereafter, a district's levy base shall be the sum of the following allocations received by the district for the prior school year, including allocations for compensation increases, multiplied by the percent increase per full time equivalent student in the state basic education appropriation between the prior school year and the current school year:~~

~~(a) The district's basic education allocation as determined pursuant to RCW 28A.41.130, 28A.41.140, and 28A.41.145;~~

~~(b) State and federal categorical allocations for the following programs:~~

~~(i) Pupil transportation;~~

~~(ii) Handicapped education;~~

~~(iii) Education of highly capable students;~~

~~(iv) Compensatory education, including but not limited to learning assistance, migrant education, Indian education, refugee programs, and bilingual education;~~

~~(v) Food services; and~~

~~(vi) State-wide block grant programs; and~~

~~(c) Any other federal allocations for elementary and secondary school programs, including direct grants, other than federal impact aid funds and allocations in lieu of taxes.~~

~~(5) For levies to be collected in calendar year 1988, a district's maximum levy percentage shall be determined as follows:~~

~~(a) Multiply the district's base year levy percentage as defined in subsection (2) of this section by the district's levy base as determined in subsection (4) of this section;~~

~~(b) Reduce the amount in (a) of this subsection by the total estimated amount of any levy reduction funds as defined in subsection (7) of this section which are to be allocated to the district for the 1987-88 school year;~~

~~(c) Divide the amount in (b) of this subsection by the district's levy base to compute a new percentage; and~~

~~(d) The percentage in (c) of this subsection or twenty percent, whichever is greater, shall be the district's maximum levy percentage for levies collected in calendar year 1988.~~

~~(6) For excess levies for collection in calendar year 1989 and thereafter, a district's maximum levy percentage shall be determined as follows:~~

~~(a) Multiply the district's maximum levy percentage for the prior year or thirty percent, whichever is less, by the district's levy base as determined in subsection (4) of this section;~~

~~(b) Reduce the amount in (a) of this subsection by the total estimated amount of any levy reduction funds as defined in subsection (7) of this section which are to be allocated to the district for the current school year;~~

~~(c) Divide the amount in (b) of this subsection by the district's levy base to compute a new percentage; and~~

~~(d) The percentage in (c) of this subsection or twenty percent, whichever is greater, shall be the district's maximum levy percentage for levies collected in that calendar year.~~

(7) "Levy reduction funds" shall mean increases in state funds allocated to a district for programs included under subsection (4) of this section that are not attributable to enrollment or workload changes, compensation increases, or inflationary adjustments recognized in state allocation formulas. Any other increases in state allocations from the district's allocations for the prior school year that are not specifically excluded in this subsection shall be considered levy reduction funds. If levy reduction funds are dependent on formula factors which would not be finalized until after the start of the current school year, the superintendent of public instruction shall estimate the total amount of levy reduction funds by using prior school year data in place of current school year data.

(8) For the purposes of this section, "prior school year" shall mean the most recent school year completed prior to the year in which the levies are to be collected.

(9) For the purposes of this section, "current school year" shall mean the year immediately following the prior school year.

(10) The superintendent of public instruction shall develop rules and regulations and inform school districts of the pertinent data necessary to carry out the provisions of this section.

NEW SECTION. Sec. 102. A new section is added to chapter 28A.41 RCW to read as follows:

(1) Commencing with taxes assessed in 1988 to be collected in calendar year 1989 and thereafter, in addition to a school district's other general fund allocations, each eligible district shall be provided local effort assistance funds as provided in this section. Such funds are not part of the district's basic education allocation. For the first distribution of local effort assistance funds provided under this section in calendar year 1989, state funds may be prorated according to the formula in this section.

(2) (a) "Prior tax collection year" shall mean the year immediately preceding the year in which the local effort assistance shall be allocated.

(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(4) 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(4), plus one-half of any amount computed under RCW 84.52.0531(3)(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(4), 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.

(4) Fifty-five percent of local effort assistance funds shall be distributed to qualifying districts during the applicable tax collection year on or before June 30 and forty-five percent shall be distributed on or before December 31 of any year.

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".

PART II  
ENHANCING SCHOOL MANAGEMENT

Sec. 201. Section 2, chapter 46, Laws of 1973 as last amended by section 1, chapter 144, Laws of 1986 and RCW 28A.41.130 are each amended to read as follows:

From those funds made available by the legislature for the current use of the common schools, the superintendent of public instruction shall distribute annually as provided in RCW 28A.48.010 to each school district of the state operating a program approved by the state board of education an amount which, when combined with an appropriate portion of such locally available revenues, other than receipts from federal forest revenues distributed to school districts pursuant to RCW 28A.02.300 and 28A.02.310, as the superintendent of public instruction may deem appropriate for consideration in computing state equalization support, excluding excess property tax levies, will constitute a basic education allocation in dollars for each annual average full time equivalent student enrolled, based upon one full school year of one hundred eighty days, except that for kindergartens one full school year shall be one hundred eighty half days of instruction, or the equivalent as provided in RCW 28A.58.754, as now or hereafter amended.

Basic education shall be considered to be fully funded by those amounts of dollars appropriated by the legislature pursuant to RCW 28A.41.130 and 28A.41.140 to fund those program requirements identified in RCW 28A.58.754 in accordance with the formula and ratios provided in RCW 28A.41.140 and those amounts of dollars appropriated by the legislature to fund the salary requirements of sections 203 and 204 of this 1987 act.

Operation of a program approved by the state board of education, for the purposes of this section, shall include a finding that the ratio of students per classroom teacher in grades kindergarten through three is not greater than the ratio of students per classroom teacher in grades four and above for such district: PROVIDED, That for the purposes of this section, "classroom teacher" shall be defined as an instructional employee possessing at least a provisional certificate, but not necessarily employed as a certificated employee, whose primary duty is the daily educational instruction of students: PROVIDED FURTHER, That the state board of education shall adopt rules and regulations to insure compliance with the student/teacher ratio provisions of this section, and such rules and regulations shall allow for exemptions for those special programs and/or school districts which may be deemed unable to practicably meet the student/teacher ratio requirements of this section by virtue of a small number of students.

If a school district's basic education program fails to meet the basic education requirements enumerated in RCW 28A.41.130, 28A.41.140 and 28A.58.754, the state board of education shall require the superintendent of public instruction to withhold state funds in whole or in part for the basic education allocation until program compliance is assured: PROVIDED, That the state board of education may waive this requirement in the event of substantial lack of classroom space.

Sec. 202. Section 14, chapter 244, Laws of 1969 ex. sess. as last amended by section 5, chapter 349, Laws of 1985 and RCW 28A.41.140 are each amended to read as follows:

The basic education allocation for each annual average full time equivalent student shall be determined in accordance with the following procedures:

(1) The governor shall and the superintendent of public instruction may recommend to the legislature a formula based on a ratio of students to staff for the distribution of a basic education allocation for each annual average full time equivalent student enrolled in a common school. The distribution formula shall have the primary objective of equalizing educational opportunities and shall provide appropriate recognition of the following costs among the various districts within the state:

((+)) (a) Certificated instructional staff and their related costs;

((2)) (b) Certificated administrative staff and their related costs;

(c) Classified staff and their related costs;

((3)) (d) Nonsalary costs;

((4)) (e) Extraordinary costs of remote and necessary schools and small high schools, including costs of additional certificated and classified staff; and

((5)) (f) The attendance of students pursuant to RCW 28A.58.075 and 28A.58.245, each as now or hereafter amended, who do not reside within the servicing school district.

(2) (a) This formula for distribution of basic education funds shall be reviewed biennially by the superintendent and governor. The recommended formula shall be subject to approval, amendment or rejection by the legislature. ((Commencing with the 1988-89 school year, the formula adopted by the legislature shall reflect a ratio of not less than fifty certificated personnel to one thousand annual average full time equivalent students and one classified person to three certificated personnel.)) The formula shall be for allocation purposes only. While the legislature intends that the allocations for additional instructional staff be used to increase the ratio of such staff to students, nothing in this section shall require districts to reduce the number of administrative staff below reasonable or workable levels.

(b) The formula adopted by the legislature for the 1987-88 school year shall reflect the following ratios at a minimum: (i) Forty-eight certificated instructional staff to one thousand annual average full time equivalent students enrolled in grades kindergarten through three; (ii) forty-six certificated instructional staff to one thousand annual average full time equivalent students enrolled in grades four through twelve; (iii) four certificated administrative staff to one thousand annual average full time equivalent students enrolled in grades kindergarten through twelve; and (iv) sixteen and sixty-seven one-hundredths classified personnel to one thousand annual average full time equivalent students enrolled in grades kindergarten through twelve.

(c) Commencing with the 1988-89 school year, the formula adopted by the legislature shall reflect the following ratios at a minimum: (i) Forty-nine certificated instructional staff to one thousand annual average full time equivalent students enrolled in grades kindergarten through three; (ii) forty-six certificated instructional staff to one thousand annual average full time equivalent students in grades four through twelve; (iii) four certificated administrative staff to one thousand annual average full time equivalent students in grades kindergarten through twelve; and (iv) sixteen and sixty-seven one-hundredths classified personnel to one thousand annual average full time equivalent students enrolled in grades kindergarten through twelve.

(d) In the event the legislature rejects the distribution formula recommended by the governor, without adopting a new distribution formula, the distribution formula for the previous school year shall remain in effect: PROVIDED, That the distribution formula developed pursuant to this section shall be for state apportionment and equalization purposes only and shall not be construed as mandating specific operational functions of local school districts other than those program requirements identified in RCW 28A.58.754 and section 203 of this 1987 act. The enrollment of any district shall be the annual average number of full time equivalent students and part time students as provided in RCW 28A.41.145, as now or hereafter amended, enrolled on the first school day of each month and shall exclude full time equivalent handicapped students recognized for the purposes of allocation of state funds for programs under chapter 28A.13 RCW. The definition of full time equivalent student shall be determined by rules and regulations of the superintendent of public instruction: PROVIDED, That the definition shall be included as part of the superintendent's biennial budget request: PROVIDED, FURTHER, That any revision of the present definition shall not take effect until approved by the house appropriations committee and the senate ways and means committee: PROVIDED, FURTHER, That the office of financial management shall make a monthly review of the superintendent's reported full time equivalent students in the common schools in conjunction with RCW 43.62.050.

(3) (a) Certificated instructional staff shall include those persons employed by a school district (~~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~~) who are nonsupervisory employees within the meaning of RCW 41.59.020(8): PROVIDED, That in exceptional cases, people of unusual competence but without certification may teach students so long as a certificated person exercises general supervision: PROVIDED, FURTHER, That the hiring of such noncertificated people shall not occur during a labor dispute and such noncertificated people shall not be hired to replace certificated employees during a labor dispute.

(b) Certificated administrative staff shall include all those persons who are chief executive officers, chief administrative officers, confidential employees, supervisors, principals, or assistant principals within the meaning of RCW 41.59.020(4).

(4) Each annual average full time equivalent certificated classroom teacher's direct classroom contact hours shall average at least twenty-five hours per week. Direct classroom contact hours shall be exclusive of time required to be spent for preparation, conferences, or any other nonclassroom instruction duties. Up to two hundred minutes per week may be deducted from the twenty-five contact hour requirement, at the discretion of the school district board of directors, to accommodate authorized teacher/parent-guardian conferences, recess, passing time between classes, and informal instructional activity. Implementing rules to be adopted by the state board of education pursuant to RCW 28A.58.754(6) shall provide that compliance with the direct contact hour requirement shall be based upon teachers' normally assigned weekly instructional schedules, as assigned by the district administration. Additional record-keeping by classroom teachers as a means of accounting for contact hours shall not be required. However, upon request from the board of directors of any school district, the provisions relating to direct classroom contact hours for individual teachers in that district may be waived by the state board of education if the waiver is necessary to implement a locally approved plan for educational excellence and the waiver is limited to those individual teachers approved in the local plan for educational excellence. The state board of education shall develop criteria to evaluate the need for the waiver. Granting of the waiver shall depend upon verification that: (a) The students' classroom instructional time will not be reduced; and (b) the teacher's expertise is critical to the success of the local plan for excellence.

NEW SECTION. Sec. 203. A new section is added to chapter 28A.41 RCW to read as follows:

(1) For the purposes of this section and sections 204 and 205 of this act, "basic education certificated instructional staff" shall mean all full time equivalent certificated instructional staff in the following programs as defined for state-wide school district accounting purposes: Basic education, secondary vocational education, general instructional support, and general supportive services.

(2) In the 1988-89 school year and thereafter, each school district shall maintain a ratio of at least forty-six basic education certificated instructional staff to one thousand annual average full time equivalent students.

NEW SECTION, Sec. 204. A new section is added to chapter 28A.41 RCW to read as follows:

(1) The legislature shall establish for each school year in the appropriations act a state-wide salary allocation schedule, for allocation purposes only, to be used to distribute funds for basic education certificated instructional staff salaries under RCW 28A.41.140.

(2) The superintendent of public instruction shall calculate salary allocations for state funded basic education certificated instructional staff by determining the district average salary for basic education instructional staff using the salary allocation schedule established pursuant to this section. However, no district shall receive an allocation based upon an average basic education certificated instructional staff salary which is less than the average of the district's 1986-87 actual basic education certificated instructional staff salaries, as reported to the superintendent of public instruction prior to June 1, 1987, and the legislature may grant minimum salary increases on that base.

NEW SECTION, Sec. 205. A new section is added to chapter 28A.58 RCW to read as follows:

(1) Every school district board of directors shall fix, alter, allow, and order paid salaries and compensation for all district employees in conformance with this section.

(2)(a) Salaries for certificated instructional staff shall not be less than the salary provided in the appropriations act in the state-wide salary allocation schedule for an employee with a baccalaureate degree and zero years of service; and

(b) Salaries for certificated instructional staff with a masters degree shall not be less than the salary provided in the appropriations act in the state-wide salary allocation schedule for an employee with a masters degree and zero years of service;

(3)(a) The actual average salary paid to basic education certificated instructional staff shall not exceed the district's average basic education certificated instructional staff salary used for the state basic education allocations for that school year as determined pursuant to section 204 of this act.

(b) Fringe benefit contributions for basic education certificated instructional staff shall be included as salary under (a) of this subsection to the extent that the district's actual average benefit contribution exceeds the greater of: (i) The formula amount for insurance benefits provided per certificated instructional staff unit in the state operating appropriations act in effect at the time the compensation is payable; or (ii) the actual average amount provided by the school district in the 1986-87 school year. For purposes of this section, fringe benefits shall not include payment for unused leave for illness or injury under RCW 28A.58.096, or employer contributions for old age survivors insurance, workers' compensation, unemployment compensation, and retirement benefits under the Washington state retirement system.

(c) Salary and benefits for certificated instructional staff in programs other than basic education shall be consistent with the salary and benefits paid to certificated instructional staff in the basic education program.

(4) Salaries and benefits for certificated instructional staff may exceed the limitations in subsection (3) of this section only by separate contract for additional time, additional responsibilities, or incentives. Supplemental contracts shall not cause the state to incur any present or future funding obligation. Supplemental contracts shall be subject to the collective bargaining provisions of chapter 41.59 RCW and the provisions of RCW 28A.67.074, shall not exceed one year, and if not renewed shall not constitute adverse change in accordance with RCW 28A.58.450 through 28A.58.515. No district may enter into a supplemental contract under this subsection for the provision of services which are a part of the basic education program required by Article IX, section 3 of the state Constitution.

Sec. 206. Section 3, chapter 16, Laws of 1981 and RCW 41.59.935 are each amended to read as follows:

Nothing in this chapter shall be construed to grant employers or employees the right to reach agreements regarding salary or compensation increases in excess of those authorized in accordance with (~~RCW 28A.58.095~~) sections 204 and 205 of this 1987 act.

Sec. 207. Section 2, chapter 143, Laws of 1986 and RCW 28A.02.325 are each amended to read as follows:

The board of directors of the school district shall make the final determination as to whether an employee suggestion award will be made and shall determine the nature and extent of the award. The award shall not be a regular or supplemental compensation program for all employees and the suggestion must, in fact, result in actual savings greater than the award amount. Any moneys which may be awarded to an employee as part of an employee suggestion program shall not be considered salary or compensation for the purposes of (~~RCW 28A.58.095~~) section 205 of this 1987 act or chapter 41.40 RCW.

Sec. 208. Section 5, chapter 278, Laws of 1984 as amended by section 1, chapter 197, Laws of 1987 and RCW 28A.03.425 are each amended to read as follows:

The office of the superintendent of public instruction, in consultation with the state board of education, shall prepare model curriculum programs and/or curriculum guidelines in three subject areas each year. These model curriculum programs or curriculum guidelines shall span all grade levels and shall include statements of expected learning outcomes, content, integration with other subject areas including guidelines for the application of vocational and applied courses to fulfill in whole or in part the courses required for graduation under RCW 28A.05.060, recommended instructional strategies, and suggested resources.

Certificated employees with expertise in the subject area under consideration shall be chosen by the superintendent of public instruction from each educational service district, from a list of persons suggested by their peers, to work with the staff of the superintendent of public instruction to prepare each model curriculum program or curriculum guidelines. Each participant shall be paid his or her regular salary by his or her district, and travel and per diem expenses by the superintendent of public instruction. The superintendent of public instruction shall make selections of additional experts in the subject area under consideration as are needed to provide technical assistance and to review and comment upon the model curriculum programs and/or curriculum guidelines before publication and shall be paid travel and per diem expenses by the superintendent of public instruction as necessary. The model curriculum programs and curriculum guidelines shall be made available to all districts. Participants developing model curriculum programs and/or curriculum guidelines may be used by school districts to provide training or technical assistance or both. After completion of the original development of model curriculum programs or curriculum guidelines, the office of the superintendent of public instruction shall schedule, at least every five years, a regular review and updating of programs and guidelines in each subject matter area. ~~((Any travel and per diem expenses provided to employees involved in the development of model programs or guidelines shall not be considered salary or compensation for purposes of the limitations established in RCW 28A.58.095.))~~

Sec. 209. Section 2, chapter 147, Laws of 1986 and RCW 28A.03.523 are each amended to read as follows:

(1) The superintendent of public instruction shall establish an annual award program for excellence in education to recognize teachers, principals, school district superintendents, and school boards for their leadership, contributions, and commitment to education. The program shall recognize annually:

(a) Three teachers from each congressional district of the state. One individual must be an elementary level teacher, one must be a junior high or middle school level teacher, and one must be a secondary level teacher;

(b) Three principals from each congressional district of the state. One individual must be an elementary building principal, one must be a junior high or middle school building principal, and one must be a secondary building principal;

(c) One school district superintendent from the state; and

(d) One school district board of directors from the state.

Not more than three teachers and three principals from each congressional district and one superintendent and one school board from the state may be recognized and receive awards in any school year.

(2) The awards for teachers and principals shall include certificates presented by the governor and the superintendent of public instruction at a public ceremony or ceremonies in appropriate locations.

(3) In addition to certificates under subsection (2) of this section, awards for teachers and principals shall include:

(a) A waiver of tuition and fees under RCW 28B.15.547 and a stipend not to exceed one thousand dollars to cover costs incurred in taking courses for which the tuition and fees have been waived under this subsection and RCW 28B.15.547. The stipend shall not be considered compensation for the purposes of ~~((RCW 28A.58.095))~~ section 205 of this 1987 act; or

(b) Teachers and principals, at their discretion, may elect to forego the waiver of tuition and fees and the stipend under subsection (3) of this section and apply for a grant not to exceed one thousand dollars, which grant shall be awarded under the provisions of RCW 28A.03.535. Within one year of receiving the award for excellence in education, teachers and principals shall notify the superintendent of public instruction in writing of their decision to apply for a grant or to receive the waiver of tuition and fees and the stipend under subsection (3) of this section.

Sec. 210. Section 2, chapter 399, Laws of 1985 and RCW 28A.58.842 are each amended to read as follows:

The board of directors of any school district may establish a commendable employee service and recognition award program for certificated and classified school employees. The program shall be designed to recognize exemplary service, special achievements, or outstanding contributions by an individual in the performance of his or her duties as an employee of the school district. The board of directors of the school district shall determine the extent and

type of any nonmonetary award. The value of any nonmonetary award shall not be deemed salary or compensation for the purposes of ((RCW 28A.58.095)) section 205 of this 1987 act or chapter 41.32 RCW.

NEW SECTION, Sec. 211. The following acts or parts of acts are each repealed:

- (1) Section 7, chapter 349, Laws of 1985 and RCW 28A.58.093;
- (2) Section 2, chapter 16, Laws of 1981, section 1, chapter 275, Laws of 1983, section 1, chapter 245, Laws of 1984 and RCW 28A.58.095; and
- (3) Section 4, chapter 16, Laws of 1981 and RCW 41.56.960.

NEW SECTION, Sec. 212. The sum of ..... dollars, or as much thereof as may be necessary is appropriated for the biennium ending June 30, 1989, to the superintendent of public instruction for state matching funds pursuant to section 102 of this act. Such sum is found to be equivalent to ..... percentage of the money for state matching funds under section 102 of this act for the 1987-89 biennium. The superintendent of public instruction shall distribute the funds to districts proportionally to the amount the district would have received if the formula under section 102 of this act were fully funded. Districts shall not receive more than their proportional shares.

NEW SECTION, Sec. 213. 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. 214. This act shall take effect September 1, 1987."

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, apparently there is some confusion as to which amendment goes first. Mr. President, I am going to wait for Senator Hayner to tell me whether she wants this amendment moved or not. This was a suggestion that Senator Hayner brought to me late yesterday afternoon after the bill had gone to code revising. Since that time, there is some indication that is not what was in mind. I drafted it up and sent it in. It changes 'reasonable and workable' to 'existing.' It pertains to the number of administrators in small districts. The staff tells me either version would work equally as well and if it is a comfort level amendment, it's fine if someone wants to move it."

REMARKS BY SENATOR HAYNER

Senator Hayner: "Mr. President, I move the adoption of the amendment. Mr. President, the amendment that I put on the bar, when we went back to our caucus, it was agreed that we would like to change it in the respect that we would bring it in line with the amendment that you have over there. Is it the Gaspard amendment? Well, is it the Bottiger amendment?"

MOTION

Senator Hayner moved that the following amendment by Senator Bottiger to the amendment by Senators Gaspard and Bottiger be adopted:

On page 11, line 25 of the striking amendment, strike "reasonable or workable" and insert "existing"

REMARKS BY SENATOR ZIMMERMAN

Senator Zimmerman: "Mr. President, it's called the Bottiger amendment, but I guess it's now the Bottiger, etc. amendment. So be it. I think this is a form of cooperation on both sides of the aisle. Simply, that I think this adds to the feeling that there's a little more comfort with the language of 'existing' rather than 'reasonable and workable.' Simply, that would tend to try to retain what is looked upon as the status quo to that extent as far as that particular line in the bill. I see no damage done by the change. I think it does strengthen it slightly. I would see no reason for not accepting and voting for this amendment."

The President declared the question before the Senate to be adoption of the amendment by Senator Bottiger to the amendment.

The motion by Senator Hayner carried and the amendment to the amendment was adopted.

MOTION

Senator Gaspard moved that the following amendments by Senators Gaspard and Bottiger to the amendment be considered simultaneously and adopted:

On page 19, line 29 of the striking amendment, strike "....." and insert "five million"

On page 19, line 33 of the striking amendment, strike " . . . . . percentage" and insert "twenty-three percent"

The President declared the question before the Senate to be adoption of the amendments by Senators Gaspard and Bottiger to the amendment.

The motion by Senator Gaspard carried and the amendments to the amendment were adopted.

MOTION

Senator Zimmerman moved that the following amendment to the amendment be adopted:

On page 16, line 10, after "incentives" insert "for performance"

Debate ensued.

Senators Bottiger, Vognild and Bauer demanded the previous question and the demand was sustained.

Senator Zimmerman closed debate on the amendment to the amendment.

Senator Saling demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator Zimmerman to the amendment.

ROLL CALL

The Secretary called the roll and the motion by Senator Zimmerman failed and the amendment to the amendment was not adopted by the following vote: Yeas, 20; nays, 25; absent, 4.

Voting yea: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Patterson, Rasmussen, Saling, von Reichbauer, West, Zimmerman - 20.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kiskaddon, Kreidler, McDermott, Moore, Owen, Peterson, Rinehart, Smitherman, Stratton, Talmadge, Tanner, Vognild, Warnke, Williams, Wojahn - 25.

Absent: Senators Johnson, Lee, Pullen, Sellar - 4.

MOTION

On motion of Senator Bottiger, and there being no objection, further consideration of the amendment by Senators Gaspard and Bottiger, as amended, was deferred.

MOTION

Senator Hayner moved that the following amendments be considered simultaneously and adopted:

On page 1, line 11, after "basis," strike all the material down to and including "SCHOOLS" on line 22

On page 9, after line 6, strike the remainder of the bill and insert the following:

\*NEW SECTION. Sec. 104. A new section is added to chapter ... (ESHB 1221), Laws of 1987 1st ex. sess. to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR GENERAL APPORTIONMENT (BASIC EDUCATION)

General Fund Appropriation . . . . .	\$	3,695,520,000
Revenue Accrual Account Appropriation . . . . .	\$	55,100,000
Total Appropriation . . . . .	\$	3,750,620,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$367,646,000 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 salary as determined under section 105(3)(a) of this act by the districts' formula-generated staff units as follows:

(a) On the basis of average annual full time equivalent enrollments, excluding hand-capped full time equivalent enrollment as recognized for funding purposes under section 507 of chapter ... (ESHB 1221), Laws of 1987 1st ex. sess., and excluding full time equivalent enrollment otherwise recognized for certificated staff unit allocations under (c) through (h) of this subsection:

(i) Fifty certificated staff units for each one thousand full time equivalent kindergarten through twelfth grade students;

(ii) For the 1987-88 school year, two additional certificated staff units for each one thousand full time equivalent students in kindergarten through grade three; and

(iii) For the 1988-89 school year, three additional certificated staff units for each one thousand full time equivalent students in kindergarten through grade three.

(iv) It is the intent of the legislature that school districts use the increased funds provided in subsection (2)(a) of this section to provide improved adult-student classroom ratios and, to the extent possible, additional certificated instructional staff.

(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 share that such increased enrollment would have generated had such additional full time equivalent students been included in the normal enrollment count for that particular month.

(c) One certificated staff unit 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 one certificated staff unit 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, two certificated staff units for enrollment of not more than five students, plus one-twentieth of a certificated staff unit for each additional student enrolled; and

(ii) For those enrolling students in either grades seven or eight, two certificated staff units for enrollment of not more than five students, plus one-tenth of a certificated 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 enrollments of up to sixty average annual full time equivalent students in kindergarten through grade six, three certificated staff units; and

(ii) For enrollments of up to twenty average annual full time equivalent students in grades seven and eight, one certificated staff unit.

(f) For each nonhigh school district having an enrollment of more than seventy average annual 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 staff unit.

(g) For each nonhigh school district having an enrollment of more than fifty average annual 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 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, for enrollments in each such high school, excluding handicapped and vocational full time equivalent enrollments:

(i) Nine and one-half certificated staff units for the first sixty average annual full time equivalent students; and

(ii) Additional certificated staff units based upon a ratio of one certificated staff unit per each additional forty-three and one-half 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 105(3)(b) of this act by the district's formula-generated classified staff units determined as follows:

(a) For enrollments generating certificated staff unit allocations under subsection (2)(d) through (h) of this section, one classified staff unit per each three certificated staff units allocated under such subsection.

(b) For all other enrollments, including vocational but excluding handicapped full time equivalent enrollments, 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 average annual 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 19.41 percent in the 1987-88 school year and 19.53 percent in the 1988-89 school year of certificated salary allocations provided under subsection (2) of this section, and a rate of 17 percent in the 1987-88 school year

and 17.12 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 subsection (2) (a), (b), and (d) through (h) of this section, there shall be provided a maximum of \$5,973 per certificated staff unit in the 1987-88 school year and a maximum of \$6,188 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 \$11,382 per certificated staff unit in the 1987-88 school year and a maximum of \$11,792 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 \$3,176,000 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 \$1,121,000 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 this act, the following shall be recognized as levy reduction funds:

(a) For certificated staff units generated under subsection (2)(a)(ii) of this section, all allocations for nonemployee related costs and one-half of all allocations for certificated salaries and benefits; and

(b) For certificated staff units generated under subsection (2)(a)(iii) of this section, one-third of all allocations including salaries, benefits, and nonemployee related costs.

(10) As a condition to the allocation of funds to school districts appropriated pursuant to this section, the superintendent of public instruction shall require school districts to ensure that, during the respective school year, the district has complied with all rules adopted by the superintendent of public instruction to implement RCW 28A.58.095. For any violation of such rules, the superintendent shall withhold an amount equal to the level of violation when applied to the district's respective basic education allocation, unless or until such time as the school district comes into compliance with the rules.

(11) 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.

(12) The revenue accrual account appropriation in this section is provided solely for pension contribution allocations under subsection (4) of this section.

**NEW SECTION, Sec. 105.** A new section is added to chapter ... (ESHB 1221), Laws of 1987 1st ex. sess. to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—SCHOOL DISTRICT EMPLOYEE COMPENSATION**

General Fund Appropriation . . . . . \$ 131,892,000

For the purposes of section 104 of this act and this section, the following conditions and limitations apply:

(1)(a) "LEAP Document 10A" means the computer tabulation of 1986-87 derived base salaries for basic education certificated staff and 1986-87 average salaries for basic education classified staff, as developed by the legislative evaluation and accountability program committee on May 11, 1987, at 11:07 hours.

(b) "LEAP Document 1" means the computer tabulation of staff mix factors characterizing certificated staff by educational experience and years of service, as developed by the legislative evaluation and accountability program committee on April 20, 1981, at 11:35 hours.



(c) "incremental fringe benefits" means 18.77 percent in the 1987-88 school year and 18.89 percent in the 1988-89 school year for certificated staff, and 13.47 percent in the 1987-88 school year and 13.59 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 this section.

(2) For the purposes of RCW 28A.58.095 and section 104(9) of this act, the following conditions and limitations apply:

(a) Effective September 1, 1987, each school district is authorized to grant salary increases that increase the district's basic education certificated derived base salary to no more than the greater of: (i) The district's certificated derived base salary as shown on LEAP Document 10A increased by 2.1 percent; or (ii) \$17,615.

(b) Effective September 1, 1988, each school district is authorized to grant salary increases that increase the district's basic education certificated derived base salary to no more than the greater of: (i) The district's maximum certificated derived base salary for the 1987-88 school year under (a) of this subsection further increased by 2.1 percent; or (ii) \$18,151.

(c) Effective September 1, 1987, each school district is authorized to grant salary increases that increase the district's basic education average classified salary to no more than the sum of: (i) The district's average classified salary as shown on LEAP Document 10A; and (ii) 2.7 percent of the state-wide average classified salary shown on LEAP Document 10A.

(d) Effective September 1, 1988, each school district is authorized to grant salary increases that increase the district's basic education average classified salary to no more than the sum of: (i) The district's maximum average classified salary for the 1987-88 school year under (c) of this subsection; and (ii) 2.77 percent of the state-wide average classified salary as shown on LEAP Document 10A.

(e) The maximum percentage salary increase in school district programs other than the basic education program shall not exceed the percentage increase authorized pursuant to this section for the district's basic education program.

(f) (i) The maximum percentage increase in each district's certificated derived base salary for administrative group employees, computed using LEAP Document 1, shall not exceed the percentage increase authorized pursuant to this section in the district's basic education certificated derived base salary.

(ii) The maximum percentage increase in each district's classified average salary for administrative group employees shall not exceed the percentage increase authorized pursuant to this section in the district's basic education average classified salary.

(g) Insurance benefits are limited by this act to an average monthly rate of \$167 per full time equivalent certificated employee and to an average monthly rate of \$167 per classified unit. Classified units shall be calculated on the basis of 1,440 hours of work per year, with no individual employee counted for more than one unit. In accordance with RCW 28A.58.095, this subsection relates to insurance benefit increases granted in either the 1987-88 or 1988-89 school year which would raise the rate per full time equivalent unit to more than \$167 per month.

(h) Increments granted by school districts to certificated staff shall constitute salary increase in the year in which the increments are given by a district to the extent only that the aggregate of increments granted by a district exceeds the aggregate of increments pursuant to LEAP Document 1.

(i) School districts may elect an alternate measure of salary compliance for classified staff by comparing average salaries for the current school year to the imputed classified average salary that was or would have been paid the same staff in the same positions during the prior school year if the districts electing this alternative certify by board resolution that any amount in excess of state-funded salary levels in each year thereafter is solely a district obligation created through local district personnel policies and salary schedule placements, and that the effect shall neither incur nor imply any current or future funding obligations by the state.

(j) For the purposes of this subsection and implementation of RCW 28A.58.095, "basic education" means those school district programs defined in the accounting manual for public schools in the state of Washington as 01 - Basic Education, 31 - Vocational Secondary, 94 - General Instructional Support, and 97 - General Support Services;

(3)(a) For the purposes of the appropriation in section 104 of this act, each district's average basic education certificated salary allocation shall be the district's certificated derived base salary as shown on LEAP Document 10A, multiplied by the district's prior year staff mix factor for basic education certificated staff calculated using LEAP Document 1.

(b) For the purposes of the appropriation in section 104 of this act, each district's average basic education classified salary allocation shall be the amount shown on LEAP Document 10A.

(4)(a) \$34,822,000 is provided to increase funding for each basic education certificated staff unit allocated for the 1987-88 school year under section 104(2) of this act by an amount equal to the district's basic education certificated staff mix factor for the prior school year, determined using LEAP Document 1, multiplied by the difference between the district's maximum 1987-88 certificated derived base salary authorized under subsection (2)(a) of this section and the district's certificated derived base salary shown on LEAP Document 10A, and for incremental fringe benefits.

(b) \$58,069,000 is provided to increase funding for each basic education certificated staff unit allocated under section 104(2) of this act for the 1988-89 school year by an amount equal to the district's basic education certificated staff mix factor for the prior school year, determined using LEAP Document 1, multiplied by the difference between the district's maximum 1988-89 certificated derived base salary authorized under subsection (2)(b) of this section and the district's certificated derived base salary shown on LEAP Document 10A, and for incremental fringe benefits.

(c) \$6,886,000 is provided to increase funding for each basic education classified staff unit allocated for the 1987-88 school year under section 104(3) of this act by 2.7 percent of the state-wide average classified salary shown on LEAP Document 10A, and for incremental fringe benefits.

(d) \$11,310,000 is provided to increase funding for each basic education classified staff unit allocated under section 104(3) of this act for the 1988-89 school year by 5.47 percent of the state-wide average classified salary shown on LEAP Document 10A, and for incremental fringe benefits.

(5) A maximum of \$13,017,000 is provided to implement salary increases 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 shall be distributed by increasing allocation rates for each school year by the amounts specified:

(a) Transitional bilingual instruction: The rates specified in section 509 of chapter ... (ESHB 1221), Laws of 1987 1st ex. sess. shall be increased by \$10.74 per pupil for the 1987-88 school year and by \$21.79 per pupil for the 1988-89 school year.

(b) Learning assistance: The rates specified in section 510 of chapter ... (ESHB 1221), Laws of 1987 1st ex. sess. shall be increased by \$8.24 per pupil for the 1987-88 school year and by \$16.72 per pupil for the 1988-89 school year.

(c) Education of highly capable students: The rates specified in section 511 of chapter ... (ESHB 1221), Laws of 1987 1st ex. sess. shall be increased by \$6.36 per pupil for the 1987-88 school year and by \$12.90 per pupil for the 1988-89 school year.

(d) Vocational technical institutes: The rates for vocational programs specified in section 513 of chapter ... (ESHB 1221), Laws of 1987 1st ex. sess. shall be increased by \$56.86 per full time equivalent student for the 1987-88 school year, and by \$115.39 per full time equivalent student for the 1988-89 school year.

(e) Pupil transportation: The rates provided under section 516 of chapter ... (ESHB 1221), Laws of 1987 1st ex. sess. shall be increased by \$0.42 per weighted pupil-mile for the 1987-88 school year, and by \$0.86 per weighted pupil-mile for the 1988-89 school year.

(6) A maximum of \$7,788,000 is provided for salary increases and incremental fringe benefits for state-supported certificated and classified staff allocations in the handicapped program and state-supported staff in institutional education programs and educational service districts. Such moneys shall be distributed to implement the same percentage salary increases as authorized for basic education staff under this section.

(7)(a) As a condition to the allocation of funds provided by this section for the 1987-88 school year, the superintendent of public instruction shall require school districts to ensure that the district has established for that school year a minimum full time equivalent salary for all certificated staff of \$17,115, excluding supplemental contracts.

(b) As a condition to the allocation of funds provided by this section for the 1988-89 school year, the superintendent of public instruction shall require school districts to ensure that the district has established for that school year a minimum full time equivalent salary for all certificated staff of \$17,651, excluding supplemental contracts.

**NEW SECTION.** Sec. 106. Sections 503, 504, and 505, chapter ... (ESHB 1221), Laws of 1987 1st ex. sess. (uncodified) are hereby repealed.

Sec. 107. Section 14, chapter 244, Laws of 1969 ex. sess. as last amended by section 5, chapter 349, Laws of 1985 and RCW 28A.41.140 are each amended to read as follows:

The basic education allocation for each annual average full time equivalent student shall be determined in accordance with the following procedures:

(1) The governor shall and the superintendent of public instruction may recommend to the legislature a formula based on a ratio of students to staff for the distribution of a basic education allocation for each annual average full time equivalent student enrolled in a common school. The distribution formula shall have the primary objective of equalizing educational opportunities and shall provide appropriate recognition of the following costs among the various districts within the state:

((+)) (a) Certificated staff and their related costs;

((2)) (b) Classified staff and their related costs;

((3)) (c) Nonsalary costs;

((4)) (d) Extraordinary costs of remote and necessary schools and small high schools; and

((5)) (e) The attendance of students pursuant to RCW 28A.58.075 and 28A.58.245, each as now or hereafter amended, who do not reside within the servicing school district.

(2) This formula for distribution of basic education funds shall be reviewed biennially by the superintendent and governor. The recommended formula shall be subject to approval, amendment or rejection by the legislature.

(a) Commencing with the ~~((1986-87))~~ 1987-88 school year, the formula adopted by the legislature shall reflect a ratio of not less than fifty certificated personnel to one thousand annual average full time equivalent students ~~((and one classified person to three certificated personnel))~~.

(b) The formula adopted by the legislature for the 1987-88 school year shall reflect the following ratios at a minimum: (i) In addition to those in (a) of this subsection, two additional certificated staff to one thousand average annual full time equivalent students enrolled in grades kindergarten through three; and (ii) sixteen and sixty-seven one-hundredths classified personnel to one thousand average annual full time equivalent students enrolled in grades kindergarten through twelve.

(c) Commencing with the 1988-89 school year, the formula adopted by the legislature shall reflect the following ratios at a minimum: (i) In addition to those in (a) of this subsection, three additional certificated staff to one thousand average annual full time equivalent students enrolled in grades kindergarten through three; and (ii) sixteen and sixty-seven one-hundredths classified personnel to one thousand average annual full time equivalent students enrolled in grades kindergarten through twelve.

(3) In the event the legislature rejects the distribution formula recommended by the governor, without adopting a new distribution formula, the distribution formula for the previous school year shall remain in effect: PROVIDED, That the distribution formula developed pursuant to this section shall be for state apportionment and equalization purposes only and shall not be construed as mandating specific operational functions of local school districts other than those program requirements identified in RCW 28A.58.754. The enrollment of any district shall be the annual average number of full time equivalent students and part time students as provided in RCW 28A.41.145, as now or hereafter amended, enrolled on the first school day of each month. The definition of full time equivalent student shall be determined by rules and regulations of the superintendent of public instruction: PROVIDED, That the definition shall be included as part of the superintendent's biennial budget request: PROVIDED, FURTHER, That any revision of the present definition shall not take effect until approved by the house appropriations committee and the senate ways and means committee: PROVIDED, FURTHER, That the office of financial management shall make a monthly review of the superintendent's reported full time equivalent students in the common schools in conjunction with RCW 43.62.050.

(4) Certificated staff shall include those persons employed by a school district 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: PROVIDED, That in exceptional cases, people of unusual competence but without certification may teach students so long as a certificated person exercises general supervision: PROVIDED, FURTHER, That the hiring of such noncertificated people shall not occur during a labor dispute and such noncertificated people shall not be hired to replace certificated employees during a labor dispute.

(5) Each annual average full time equivalent certificated classroom teacher's direct classroom contact hours shall average at least twenty-five hours per week. Direct classroom contact hours shall be exclusive of time required to be spent for preparation, conferences, or any other nonclassroom instruction duties. Up to two hundred minutes per week may be deducted from the twenty-five contact hour requirement, at the discretion of the school district board of directors, to accommodate authorized teacher/parent-guardian conferences, recess, passing time between classes, and informal instructional activity. Implementing rules to be adopted by the state board of education pursuant to RCW 28A.58.754(6) shall provide that compliance with the direct contact hour requirement shall be based upon teachers' normally assigned weekly instructional schedules, as assigned by the district administration. Additional record-keeping by classroom teachers as a means of accounting for contact hours shall not be required. However, upon request from the board of directors of any school district, the provisions relating to direct classroom contact hours for individual teachers in that district may be waived by the state board of education if the waiver is necessary to implement a locally approved plan for educational excellence and the waiver is limited to those individual teachers approved in the local plan for educational excellence. The state board of education shall develop criteria to evaluate the need for the waiver. Granting of the waiver shall depend upon verification that: (a) The students' classroom instructional time will not be reduced; and (b) the teacher's expertise is critical to the success of the local plan for excellence.

NEW SECTION, Sec. 108. Sections 1 through 103 of this act shall take effect September 1, 1987.

NEW SECTION, Sec. 109. Sections 104, 105, 106, and 107 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 July 1, 1987.

NEW SECTION. Sec. 110. The sum of five million dollars, or as much thereof as may be necessary is appropriated for the biennium ending June 30, 1989, to the superintendent of public instruction for state matching funds pursuant to section 102 of this act. Such sum is found to be equivalent to . . . . . percentage of the money for state matching funds under section 102 of this act for the 1987-89 biennium. The superintendent of public instruction shall distribute the funds to districts proportionally to the amount the district would have received if the formula under section 102 of this act were fully funded. Districts shall not receive more than their proportional shares."

President Pro Tempore Rasmussen assumed the chair.

Debate ensued.

Senator Newhouse demanded a roll call and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be the roll call on adoption of the amendments by Senator Hayner.

#### ROLL CALL

The Secretary called the roll and the motion by Senator Hayner failed and the amendments were not adopted by the following vote: Yeas, 19; nays, 26; absent, 4.

Voting yea: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Patterson, Saling, von Reichbauer, West, Zimmerman - 19.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kiskaddon, Kreidler, McDermott, Moore, Owen, Peterson, Rasmussen, Rinehart, Smitherman, Stratton, Talmadge, Tanner, Vognild, Warnke, Williams, Wojahn - 26.

Absent: Senators Johnson, Lee, Pullen, Sellar - 4.

There being no objection, the Senate resumed consideration of the amendment by Senators Gaspard and Bottiger, as amended.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Gaspard and Bottiger, as amended.

The motion by Senator Gaspard carried and the amendment, as amended, was adopted.

#### MOTIONS

On motion of Senator Gaspard, the following title amendment was adopted:

On page 1, line 1 of the title, after "education," strike the remainder of the title and insert "amending RCW 84.52.0531, 84.52.053, 28A.41.130, 28A.41.140, 41.59.935, 28A.02.325, 28A.03.425, 28A.03.523, and 28A.58.842; 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; making an appropriation; and providing an effective date."

On motion of Senator Zimmerman, Senators Johnson, Lee, Pullen and Sellar were excused.

#### MOTION

On motion of Senator Gaspard, the rules were suspended, Reengrossed Second Substitute House Bill No. 455, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Reengrossed Second Substitute House Bill No. 455, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Reengrossed Second Substitute House Bill No. 455, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 34; nays, 11; excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Bottiger, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kiskaddon, Kreidler, McDermott, Moore, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 34.

Voting nay: Senators Benitz, Bluechel, Cantu, Craswell, Hayner, McCaslin, McDonald, Metcalf, Nelson, Newhouse, West - 11.

Excused: Senators Johnson, Lee, Pullen, Sellar - 4.

REENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 455, 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.

## MOTION

On motion of Senator Vognild, Reengrossed Second Substitute House Bill No. 455, as amended by the Senate, was ordered immediately transmitted to the House of Representatives.

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

## MESSAGE FROM THE GOVERNOR

May 20, 1987

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on May 19, 1987, Governor Gardner approved the following Senate Bills entitled:

Second Substitute Senate Bill No. 5063

Relating to child and adult abuse information.

Substitute Senate Bill No. 5071

Relating to dangerous wastes.

Substitute Senate Bill No. 5081

Relating to winter recreation.

Senate Bill No. 5129

Relating to the First Avenue South bridge.

Substitute Senate Bill No. 5252

Relating to child abuse education.

Substitute Senate Bill No. 5274

Relating to compensation of teachers for in-service training and education.

Senate Bill No. 5335

Relating to boundary review boards.

Senate Bill No. 5571

Relating to the grain indemnity fund for grain warehouse and dealer licenses.

Substitute Senate Bill No. 5622

Relating to teachers.

Substitute Senate Bill No. 5632

Relating to the learning assistance program.

Senate Bill No. 5666

Relating to state route 161.

Second Substitute Senate Bill No. 5986

Relating to oil spills.

Senate Bill No. 5996

Relating to the vocational technology center.

Senate Bill No. 6003

Relating to nonrelinquishment of water rights.

Substitute Senate Bill No. 6033

Relating to the business and occupation taxation of hops.

Substitute Senate Bill No. 6061

Relating to exempting certain community docks from the substantial development requirements of the shoreline management act.

Substitute Senate Bill No. 6064

Relating to the lodgings-local excise tax.

Sincerely,

TERRY SEBRING, Legal Counsel to the Governor

## MOTION

At 3:38 p.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 7:04 p.m. by President Cherberg.

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

## MESSAGES FROM THE HOUSE

May 21, 1987

MR. PRESIDENT:

The House concurred in the Senate amendments to REENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 455 and passed the bill as amended by the Senate.

ALAN THOMPSON, Chief Clerk

May 21, 1987

MR. PRESIDENT:

The Speaker has signed SECOND SUBSTITUTE HOUSE BILL NO. 455, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

## SIGNED BY THE PRESIDENT

The President signed:  
SECOND SUBSTITUTE HOUSE BILL NO. 455.

## MOTION

At 7:05 p.m., on motion of Senator Vognil, the Senate was declared to be at ease.

The Senate was called to order at 7:08 p.m. by President Cherberg.

## MOTIONS

On motion of Senator Zimmerman, Senators Anderson, Barr, Benitz, Deccio, Metcalf and West were excused.

On motion of Senator Bender, Senators Bauer, Talmadge and Moore were excused.

## MESSAGE FROM THE HOUSE

May 21, 1987

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5901 with the following amendments, and the same are herewith transmitted.

SHARON CASE, Assistant Chief Clerk

On page 1, after line 5, strike all material through line 35 on page 4 and insert the following:

\*NEW SECTION. Sec. 1. (1) The director of financial management, in consultation with the chairpersons of the ways and means committees of the senate and house of representatives, may authorize temporary borrowing from the state treasury for the purpose of covering cash deficiencies in the state convention and trade center account resulting from project completion costs. Subject to the conditions and limitations provided in this section, lines of credit may be authorized at times and in amounts as the director of financial management determines are advisable to meet current and/or anticipated cash deficiencies. Each authorization shall distinctly specify the maximum amount of cash deficiency which may be incurred and the maximum time period during which the cash deficiency may continue. The total amount of borrowing outstanding at any time shall never exceed the lesser of:

(a) \$58,275,000; or

(b) An amount, as determined by the director of financial management from time to time, which is necessary to provide for payment of project completion costs.

(2) Unless the due date under this subsection is extended by statute, all amounts borrowed under the authority of this section shall be repaid to the state treasury by June 30, 1989, together with interest at a rate determined by the state treasurer to be equivalent to the return on investments of the state treasury during the period the amounts are borrowed. Borrowing may be authorized from any excess balances in the state treasury, except the agricultural permanent fund, the Millersylvania park permanent fund, the state university permanent fund, the normal school permanent fund, the permanent common school fund, and the scientific permanent fund.

(3) As used in this section, "project completion" means:

(a) All remaining development, construction, and administrative costs related to completion of the convention center; and

(b) Costs of the McKay building demolition, Eagles building rehabilitation, and construction of rentable retail space and an operable parking garage.

(4) It is the intent of the legislature that project completion costs be paid ultimately from the following sources:

(a) \$29,250,000 to be received by the corporation under an agreement and settlement with Industrial Indemnity Co.;

(b) \$1,070,000 to be received by the corporation as a contribution from the city of Seattle;

(c) \$20,000,000 to be received by the corporation under an anticipated agreement with a private developer;

(d) \$7,955,000 to be provided by a private developer for McKay building demolition, Eagles building rehabilitation, and construction of rentable retail space and an operable parking garage; and

(e) \$4,765,000 for contingencies and project reserves from additional general obligation bonds to be repaid from convention center revenue from the special excise tax under RCW 67.40.090.

(5) The borrowing authority provided in this section is in addition to the authority to borrow from the general fund to meet the bond retirement and interest requirements set forth in RCW 67.40.060. To the extent the specific conditions and limitations provided in this section conflict with the general conditions and limitations provided for temporary cash deficiencies in RCW 43.88.260 (section 7, chapter ... (SSB 5606), Laws of 1987), the specific conditions and limitations in this section shall govern.

Sec. 2. Section 2, chapter 34, Laws of 1982 as last amended by section 1, chapter 210, Laws of 1984 and RCW 67.40.020 are each amended to read as follows:

(1) The governor is authorized to form a public nonprofit corporation in the same manner as a private nonprofit corporation is formed under chapter 24.03 RCW. The public corporation shall be an instrumentality of the state and have all the powers and be subject to the same restrictions as are permitted or prescribed to private nonprofit corporations, but shall exercise those powers only for carrying out the purposes of this chapter and those purposes necessarily implied therefrom. The governor shall appoint a board of nine directors for the corporation who shall serve terms of six years, except that two of the original directors shall serve for two years and two of the original directors shall serve for four years. After January 1, 1991, at least one position on the board shall be filled by a member representing management in the hotel or motel industry subject to taxation under RCW 67.40.090. The directors may provide for the payment of their expenses. The corporation may cause a state convention and trade center with an overall size of approximately three hundred thousand square feet to be designed and constructed on a site in the city of Seattle. In acquiring, designing, and constructing the state convention and trade center, the corporation shall consider the recommendations and proposals issued on December 11, 1981, by the joint select committee on the state convention and trade center.

(2) The corporation may acquire and transfer real and personal property by lease, sublease, purchase, or sale, and further acquire property by condemnation of privately owned property or rights to and interests in such property pursuant to the procedure in chapter 8.04 RCW, or gift, accept grants, request the financing provided for in RCW 67.40.030, cause the state convention and trade center facilities to be constructed, and do whatever is necessary or appropriate to carry out those purposes. The corporation may enter into lease and sublease contracts for a term exceeding the fiscal period in which such lease and sublease contracts are made: PROVIDED, That such contracts are approved by the director of financial management in consultation with the chairpersons of the ways and means committees of the house of representatives and the senate. The terms of sale or lease of properties acquired by the corporation on February 9, 1987, pursuant to the property purchase and settlement agreement entered into by the corporation on June 12, 1986, excepting the McKay parcel which the corporation is contractually obligated to sell under that agreement, shall also be subject to the approval of the director of financial management in consultation with the chairpersons of the ways and means committees of the house of representatives and the senate, in order to allow the corporation flexibility to secure appropriate insurance by negotiation, the corporation is exempt from RCW 48.30.270. The corporation shall maintain, operate, promote, and manage the state convention and trade center.

(3) In order to allow the corporation flexibility in its personnel policies, the corporation is exempt from chapter 41.06 RCW, chapter 41.05 RCW, RCW 43.01.040 through 43.01.044, chapter 41.04 RCW and chapter 41.40 RCW.

Sec. 3. Section 2, chapter 233, Laws of 1985 and RCW 67.40.025 are each amended to read as follows:

~~((To more accurately determine the total costs and revenues of)) All operating revenues received by the corporation formed under RCW 67.40.020 ((and to ensure accountability, promote flexibility, and increase profitability, the funds of the corporation shall be administered as an enterprise fund by the corporation, the state treasurer, and other state agencies. Administration and accounting of an enterprise fund, as applied by and to the corporation formed under RCW 67.40.020, includes the following additional powers and practices:~~

(( )) shall be deposited in the state trade and convention center operations account, hereby created in the state treasury. Moneys in the account, including unanticipated revenues under RCW 43.79.270, may be spent only after appropriation by statute, and may be used only for operation and promotion of the center.

Subject to approval by the office of financial management under RCW 43.88.260 (section 7, chapter ... (SSB 5606), Laws of 1987), the corporation may expend moneys for operational purposes in excess of the ~~((amount appropriated for such purposes))~~ balance in the account, to the extent the corporation receives or will receive additional operating revenues.

~~((2) Seventy-five percent of the income from the investment of the corporation's funds deposited in the general fund pursuant to RCW 43.84.090 including interest earned thereon, before and after May 10, 1985, shall be credited against any future borrowings by the corporation from the general fund for debt service or otherwise at the time such funds are needed after July 1, 1987.))~~

(4) As used in this section, "operating revenues" does not include any moneys required to be deposited in the state convention and trade center account.

Sec. 4. Section 4, chapter 34, Laws of 1982 as last amended by section 66, chapter 57, Laws of 1985 and RCW 67.40.040 are each amended to read as follows:

(1) The proceeds from the sale of the bonds authorized in RCW 67.40.030, earnings from the investment of the proceeds, proceeds of the tax imposed under RCW 67.40.090, and ~~((operating revenues of))~~ all other moneys received by the state convention and trade center from any public or private source which are intended to fund the acquisition, design, construction, expansion, or renovation of the center, shall be deposited in the state convention and trade center account hereby created in the state treasury and in such subaccounts as are deemed appropriate by the directors of the corporation.

(2) Seventy-five percent of the income from the investment of the corporation's funds deposited in the account, including interest earned thereon, before and after May 10, 1985, shall be credited against any future borrowings by the state convention and trade center corporation from the general fund for debt service or otherwise at the time such funds are needed after July 1, 1987.

(3) Moneys in the account, including unanticipated revenues under RCW 43.79.270, shall be used exclusively for the following purposes in the following priority:

~~((1))~~ (a) For reimbursement of the state general fund under RCW 67.40.060;

(b) After appropriation by statute:

~~((2))~~ (i) For payment of expenses incurred in the issuance and sale of the bonds issued under RCW 67.40.030;

~~((3))~~ (ii) For acquisition, design, and construction of the state convention and trade center;

~~((4))~~ For operation and promotion of the center;

~~((5))~~ (iii) For reimbursement of any expenditures from the state general fund in support of the state convention and trade center;

~~((6))~~ (iv) To establish a subaccount of up to fifty million dollars for expansion or renovation of the center;

~~((7))~~ (v) For early retirement of the bonds issued under RCW 67.40.030; and

~~((8))~~ (vi) To reduce or eliminate the tax imposed under RCW 67.40.090.

PROVIDED, That no proceeds from the sale of bonds or earnings from the investment of the proceeds shall be used to fund subsection (4) or (8) of this section.

Sec. 5. Section 6, chapter 34, Laws of 1982 as amended by section 5, chapter 1, Laws of 1983 2nd ex. sess. and RCW 67.40.060 are each amended to read as follows:

The state general obligation bond retirement fund shall be used for the payment of the principal of and interest on the bonds authorized in RCW 67.40.030.

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 prior to 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 state general obligation bond retirement fund an amount equal to the amount certified by the state finance committee to be due on that payment date. On each date on which any interest or principal and interest is due, the state treasurer shall cause an identical amount to be paid out of the state convention and trade center account, or state convention and trade center operations account, from the proceeds of the special excise tax imposed under RCW 67.40.090, operating revenues of the state convention and trade center, and bond proceeds and earnings on the investment of bond proceeds, for deposit in the general fund of the state treasury. Any deficiency in such transfer shall be made up as soon as special excise taxes are available for transfer and shall constitute a continuing obligation of the state convention and trade center account until all deficiencies are fully paid.

Bonds issued under RCW 67.40.030 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.



Sec. 6. Section 9, chapter 34, Laws of 1982 and RCW 67.40.090 are each amended to read as follows:

Commencing April 1, 1982, there is imposed, and the department of revenue shall collect, in King county a special excise tax on the sale of or charge made for the furnishing of lodging by a hotel, rooming house, tourist court, motel, or trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property, except that no such tax may be levied on any premises having fewer than sixty lodging units. It shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes rental or lease of real property and not a mere license to use or enjoy the same. The legislature on behalf of the state pledges to maintain and continue this tax until the bonds authorized by this chapter are fully redeemed, both principal and interest.

(1) The rate of the tax imposed under this section shall be:

~~((+))~~ (a) From April 1, 1982, through December 31, 1982, inclusive, three percent in the city of Seattle and two percent in King county outside the city of Seattle; and

~~((=))~~ (b) On and after January 1, 1983, five percent in the city of Seattle and two percent in King county outside the city of Seattle. The tax levied under this subsection (b) shall expire on the first day of the next calendar quarter after the director of financial management certifies that (i) the bonds issued pursuant to RCW 67.40.030 have been fully retired and (ii) all borrowings by the convention center for (A) bond retirement, and (B) operating expenses of the convention center incurred through June 30, 1992, have been repaid together with interest at a rate determined by the state treasurer to be equivalent to the return on investments of the state treasury during the period the amounts are borrowed.

(2) On and after October 1, 1993, in addition to the tax specified in subsection (1) of this section, there is levied a surtax for the purpose of reimbursing moneys borrowed to pay actual net operating deficits of the convention center incurred after June 30, 1992, as provided in this subsection. On or before October 1, 1993, and on or before October 1 of each succeeding year, the director of financial management shall certify the actual net operating deficit, if any, of the convention center for the prior fiscal year and shall determine the rate of surtax which, if imposed during the succeeding twelve months, will be sufficient to reimburse moneys borrowed for the actual net operating deficit of the convention center in the prior fiscal year plus any surtax deficiencies in prior years less any surtax surpluses in prior years. As used in this section, (a) "surtax deficiency" means any excess of (i) the convention center net operating deficit over (ii) receipts from the surtax imposed under this subsection to reimburse such deficit; and (b) "surtax surplus" means any excess of (i) receipts from a surtax imposed to reimburse a convention center net operating deficit over (ii) the convention center operating deficit which the surtax is intended to reimburse. The surtax so determined shall be effective, and shall be imposed and collected, beginning October 1 of each year for the succeeding twelve months: PROVIDED, That the surtax shall not exceed forty percent of the tax in effect under subsection (1) of this section in the city of Seattle and in King county outside the city of Seattle. The director of financial management shall determine the amount of the surtax based upon actual receipts from the tax provided for in RCW 67.40.090 during the last complete fiscal year. The surtax imposed on hotels and motels in King county outside the city of Seattle shall be forty percent of the surtax imposed on hotels and motels in the city of Seattle.

(3) The surcharge under subsection (2) of this section shall be forty percent of the tax in effect under subsection (1) of this section, effective on the day either of the following events occurs, whichever is earlier:

(a) A temporary or permanent injunction or order becomes effective which prohibits in whole or in part the collection of surtax at the rates specified in subsection (2) of this section; or

(b) A decision of a court in this state invalidating in whole or in part subsection (2) of this section.

The proceeds of the special excise tax shall be deposited in the state convention and trade center account. Chapter 82.32 RCW applies to the tax imposed under this section.

NEW SECTION, Sec. 7. A new section is added to chapter 67.28 RCW to read as follows:

No city imposing the tax authorized under RCW 67.28.180 may use the tax proceeds directly or indirectly to acquire, construct, operate, or maintain facilities or land intended to be used by a professional sports franchise if the county within which the city is located uses the proceeds of its tax imposed under RCW 67.28.180 to directly or indirectly acquire, construct, operate, or maintain a facility used by a professional sports franchise.

NEW SECTION, Sec. 8. A new section is added to chapter 67.40 RCW to read as follows:

No city imposing the tax authorized under RCW 67.40.100(2) may use the tax proceeds directly or indirectly to acquire, construct, operate, or maintain facilities or land intended to be used by a professional sports franchise if the county within which the city is located uses the proceeds of its tax imposed under RCW 67.28.180 to directly or indirectly acquire, construct, operate, or maintain a facility used by a professional sports franchise.

NEW SECTION, Sec. 9. There is appropriated to the state convention and trade center corporation from the state convention and trade center account, for the fiscal period beginning on the effective date of this section and ending June 30, 1989, the following amounts:

(1) \$51,618,000 for development, construction, and administrative costs of completion; and

(2) \$12,720,000 for McKay building demolition, Eagles building rehabilitation, construction of rentable retail space and an operable parking garage, and project reserves and contingency funds.

NEW SECTION. Sec. 10. Section 317, chapter ... (ESHB 1221), Laws of 1987 1st ex. sess., (uncodified) is repealed.

NEW SECTION. Sec. 11. A new section is added to chapter 67.40 RCW to read as follows:

The state treasurer shall from time to time transfer from the state general fund, or such other funds as the state treasurer deems appropriate, to the state convention and trade center operations account such amounts as are necessary to fund appropriations from the account. All amounts borrowed under the authority of this section shall be repaid to the appropriate fund, together with interest at a rate determined by the state treasurer to be equivalent to the return on investments of the state treasury during the period the amounts are borrowed.

NEW SECTION. Sec. 12. \$9,320,000 or so much thereof as may be necessary, is appropriated from the state convention and trade center operations account to the state convention and trade center corporation, for the fiscal biennium ending June 30, 1989, for the purposes of operation and promotion of the center.

NEW SECTION. Sec. 13. It is the intention of the legislature to review the public nonprofit corporation created in chapter 67.40 RCW to construct and operate the state convention and trade center, and the method of financing the capital and operating costs of the state convention and trade center. Further, it is the intention of the legislature that the state continue its responsibility to finance the capital costs of the center, to retire debt issued for this purpose, to continue all existing obligations and duties of the corporation, and to maintain management continuity for the center.

NEW SECTION. Sec. 14. There is hereby created the joint committee on the state convention and trade center of the legislature of the state of Washington. The committee shall consist of: (1) Two members each of the majority and minority caucuses of the senate, as selected by the president of the senate, one of whom is the chairperson of the committee on ways and means or the chairperson's designee; and (2) two members each of the majority and minority caucuses of the house of representatives, as selected by the speaker of the house, one of whom is the chairperson of the committee on ways and means or the chairperson's designee.

NEW SECTION. Sec. 15. The joint committee on the state convention and trade center, in consultation with the state convention and trade center board, members of the hotel and motel industry subject to taxation under RCW 67.40.090, and the director of financial management, or the director's designee, shall prepare a report to the legislature on or before December 15, 1987, on the state convention and trade center. This report shall address the operational, managerial, and financial feasibility, and the advantages and disadvantages, of alternative organizational structures for and financing of the state convention and trade center. The report shall include recommendations for separating the state from fiscal responsibility for operation of the center to the maximum extent possible, including the possibility of privatization, while providing for fulfillment of all existing obligations and duties of the corporation. The report shall include analysis of granting direct taxing authority to the entity managing the center.

NEW SECTION. Sec. 16. There is hereby appropriated one hundred thousand dollars to the senate and house of representatives from the state general fund for fiscal year 1988 to finance the report by the select committee on the convention and trade center. This appropriation may be used to finance a consultant's study on this subject.

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."

Renumber the sections consecutively.

On page 1, line 1 of the title, after "fiscal matters;" strike the remainder of the title and insert "amending RCW 67.40.020, 67.40.025, 67.40.040, 67.40.060, and 67.40.090; adding a new section to chapter 67.28 RCW; adding a new section to chapter 67.40 RCW; creating new sections; repealing section 317, chapter ... (ESHB 1221), Laws of 1987 1st ex. sess. (uncodified); making appropriations; and declaring an emergency."

#### MOTION

Senator McDonald moved that the rules be suspended and Engrossed Substitute Senate Bill No. 5901 be returned to second reading.

#### POINT OF INQUIRY

Senator Cantu: "Senator McDonald, you've asked for a motion to roll the bill back to second reading for purpose of an amendment, as I understand it. Would you please explain the purpose of your motion?"

Senator McDonald: "Yes, Senator Cantu. Basically, the bill that is before us has a portion in it that is disallowing any entity from using the hotel/motel tax for professional sports arenas. This has to do with Bellevue versus Seattle and the Sonics' stadium. The purpose would be then to roll back to second reading and to take out

that portion. It's my feeling that the state really has no part in this debate. It's between the two municipalities and the sports franchise. That would be my purpose."

Further debate ensued.

#### POINT OF ORDER

Senator Rasmussen: "Mr. President, a point of order. It would seem to me from the little bit that I've heard of the discussion that the proposed bill contains more than one subject and would, therefore, be unconstitutional. I would hope the President would take a look at that. Maybe not rule it unconstitutional, but the fact that there are two subjects in there, not just financing the convention center, but prohibiting some other city from financing whatever they would like to out of the hotel/motel tax. The constitutional question is very grave. Besides, it's not providing for equal treatment of all municipalities."

#### REPLY BY THE PRESIDENT

President Cherberg: "Senator Rasmussen, as to the two subjects, the President would prefer to leave that to the Supreme Court."

The President declared the question before the Senate to be the motion by Senator McDonald to suspend the rules and return Engrossed Substitute Senate Bill No. 5901 to second reading.

The motion by Senator McDonald failed and Engrossed Substitute Senate Bill No. 5901 was not returned to second reading.

#### MOTION

Senator Bottiger moved that the Senate do concur in the House amendments to Engrossed Substitute Senate Bill No. 5901.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Bottiger that the Senate do concur in the House amendments to Engrossed Substitute Senate Bill No. 5901.

The motion by Senator Bottiger carried and the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 5901.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 5901, as amended by the House.

#### POINT OF ORDER

Senator Rasmussen: "Mr. President, a point of order. My point of order is that Senator McCaslin has referred to me that it's also in our Senate rules that a bill cannot contain more than one subject which is something you could rule on, Mr. President, before we have the final vote."

#### REPLY BY THE PRESIDENT

President Cherberg: "The President is aware of that, Senator, but the President does not like to rule on constitutional questions."

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 5901, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 25; nays, 11; absent, 1; excused, 12.

Voting yea: Senators Bailey, Bender, Bluechel, Bottiger, Cantu, Conner, DeJarnatt, Fleming, Garrett, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, McDonald, Nelson, Newhouse, Owen, Saling, Sellar, Smitherman, Stratton, von Reichbauer, Williams, Zimmerman - 25.

Voting nay: Senators Craswell, Gaspard, McCaslin, McDermott, Peterson, Rasmussen, Rinehart, Tanner, Vogt, Warnke, Wojahn - 11.

Absent: Senator Patterson - 1.

Excused: Senators Anderson, Barr, Bauer, Benitz, Deccio, Johnson, Lee, Metcalf, Moore, Pullen, Talmadge, West - 12.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5901, 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.

## MOTION

At 7:34 p.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 8:05 p.m. by President Cherberg.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 5901.

## MESSAGES FROM THE HOUSE

May 21, 1987

MR. PRESIDENT:

The House has adopted HOUSE CONCURRENT RESOLUTION NO. 4421, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

May 21, 1987

MR. PRESIDENT:

The House has adopted SENATE CONCURRENT RESOLUTION NO. 8418, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

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

## INTRODUCTION AND FIRST READING OF HOUSE BILL

HCR 4421 by Representatives McMullen and Ballard

Notifying the governor that the legislature is adjourning.

## MOTIONS

On motion of Senator Vognild, the rules were suspended, House Concurrent Resolution No. 4421 was advanced to second reading and read the second time.

On motion of Senator Vognild, the rules were suspended, House Concurrent Resolution No. 4421 was advanced to third reading, the second reading considered the third and the resolution was adopted.

## APPOINTMENT OF SPECIAL COMMITTEE

Under the provisions of House Concurrent Resolution No. 4421, President Cherberg appointed Senators Vognild, McDonald and Smitherman as a committee of three from the Senate to join a like number from the House to notify the Governor that the Legislature is about to adjourn SINE DIE.

## MOTIONS

On motion of Senator Vognild, the committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

May 21, 1987

MR. PRESIDENT:

The Speaker has signed SUBSTITUTE SENATE BILL NO. 5901, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SENATE CONCURRENT RESOLUTION NO. 8418.

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

## MOTION

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

## SENATE RESOLUTION 1987-8691

by Senators Bottiger, Fleming, Hayner and Sellar

BE IT RESOLVED, By the Senate, That a committee consisting of three members of the Senate be appointed to notify the House that the Legislature is about to adjourn SINE DIE.

## APPOINTMENT OF SPECIAL COMMITTEE

Under the provisions of Senate Resolution 1987-8691, President Cherberg appointed Senators Fleming, Nelson and Bluechel as a committee of three from the Senate to notify the House that the Senate is ready to adjourn SINE DIE.

## MOTION

On motion of Senator Vognild, the committee appointments were confirmed.

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

## MESSAGES FROM THE HOUSE

May 21, 1987

MR. PRESIDENT:

The Speaker has signed SENATE CONCURRENT RESOLUTION NO. 8418, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

May 21, 1987

MR. PRESIDENT:

Under the provisions of SENATE CONCURRENT RESOLUTION NO. 8418, the House herewith returns the following bills:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5086,

ENGROSSED SENATE BILL NO. 5263,

ENGROSSED SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8412.

## MOTION

Under the provisions of SENATE CONCURRENT RESOLUTION NO. 8418, on motion of Senator Vognild, SUBSTITUTE HOUSE BILL NO. 1225 was returned to the House of Representatives.

## MOTION

On motion of Senator Vognild, the following Senate bills were referred to the Committee on Rules:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5086,

ENGROSSED SENATE BILL NO. 5263,

ENGROSSED SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8412.

COMMITTEE FROM THE HOUSE NOTIFYING  
SENATE OF ADJOURNMENT SINE DIE

The Sergeant at Arms announced the arrival of a committee from the House of Representatives. The committee composed of Representatives Rayburn, Ferguson, Barnes and Spanel appeared before the bar of the Senate to notify the Senate that the House is about to adjourn SINE DIE.

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

## MESSAGE FROM THE HOUSE

May 21, 1987

MR. PRESIDENT:

The House has adopted HOUSE CONCURRENT RESOLUTION NO. 4423, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

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

## INTRODUCTION AND FIRST READING OF HOUSE BILL

HCR 4423 by Representative McMullen

Adjourning Sine Die.

## MOTIONS

On motion of Senator Vognild, the rules were suspended, House Concurrent Resolution No. 4423 was advanced to second reading and read the second time.

On motion of Senator Vognild, the rules were suspended, House Concurrent Resolution No. 4423 was advanced to third reading, the second reading considered the third and the resolution was adopted.

REPORT OF SPECIAL COMMITTEE NOTIFYING  
HOUSE OF ADJOURNMENT SINE DIE

The Sergeant at Arms announced the return of the special committee composed of Senators Fleming, Nelson and Bluechel who were appointed under the provisions of Senate Resolution 1987-8691. The committee reported they had notified the House that the Senate is ready to adjourn SINE DIE.

The report was received and the committee was discharged.

## MESSAGES FROM THE HOUSE

May 21, 1987

MR. PRESIDENT:

The Speaker has signed HOUSE CONCURRENT RESOLUTION NO. 4421, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

May 21, 1987

MR. PRESIDENT:

The Speaker has signed HOUSE CONCURRENT RESOLUTION NO. 4423, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

## SIGNED BY THE PRESIDENT

The President signed:

HOUSE CONCURRENT RESOLUTION NO. 4421.

## SIGNED BY THE PRESIDENT

The President signed:

HOUSE CONCURRENT RESOLUTION NO. 4423.

REPORT OF SPECIAL COMMITTEE APPOINTED TO NOTIFY  
THE GOVERNOR OF ADJOURNMENT SINE DIE

The Sergeant at Arms announced the return of the special committee composed of Senators Vognild, McDonald and Smitherman who were appointed under the provisions of House Concurrent Resolution No. 4421. The committee reported they joined with a like committee from the House and notified the Governor that the Legislature is about to adjourn SINE DIE.

The report was received and the committee was discharged.

## MOTION

On motion of Senator Vognild, the Senate Journal for the twenty-fifth day of the First Special Session of the Fiftieth Legislature was approved.

## MOTION

At 8:27 p.m., on motion of Senator Vognild, the 1987 First Special Session of the Fiftieth Legislature adjourned SINE DIE.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

# SENATE JOURNAL

—1987—

SECOND SPECIAL SESSION

FIFTIETH LEGISLATURE

## STATE OF WASHINGTON

AT

## OLYMPIA, the State Capitol

Convened August 10, 1987  
Adjourned Sine Die August 10, 1987

Compiled, Edited and Indexed by  
SID SNYDER, *Secretary of the Senate*



MARY WILEY  
*Minute and Journal Clerk*

---

JOHN A. CHERBERG, *President of the Senate*  
A. L. "SLIM" RASMUSSEN, *President Pro Tempore*  
ALBERT BAUER, *Vice President Pro Tempore*

## SENATE CAUCUS OFFICERS

### DEMOCRATIC CAUCUS

*Majority Leader* .....LARRY L. VOGNILD  
*Chairman*.....GEORGE FLEMING  
*Assistant Majority Leader* .....ALBERT BAUER  
*Vice Chairman* .....R. LORRAINE WOJAHN  
*Majority Whip*.....RICK S. BENDER

### REPUBLICAN CAUCUS

*Minority Leader* .....JEANNETTE HAYNER  
*Chairman* .....GEORGE L. SELLAR  
*Republican Floor Leader* .....IRV NEWHOUSE  
*Republican Whip* .....HAL ZIMMERMAN  
*Vice Chairman*.....STANLEY C. JOHNSON  
*Asst. Republican Floor*  
    *Leader* .....GERALD L. (JERRY) SALING  
*Assistant Whip* .....JACK METCALF



*Secretary of the Senate*.....SID SNYDER  
*Assistant Secretary* .....BILL GLEASON  
*Sergeant at Arms* .....O. F. "OLE" SCARPELLI  
*Secretary to the Secretary* .....NYLA WOOD  
*Reader* .....DAVE DeFORREST  
*Minute and Journal Clerk* .....MARY WILEY



**JOURNAL OF THE SENATE  
STATE OF WASHINGTON  
1987 SECOND SPECIAL SESSION  
FIFTIETH LEGISLATURE**

**FIRST DAY**

---

**MORNING SESSION**

---

Senate Chamber, Olympia, Monday, August 10, 1987

The Senate was called to order at 9:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Bauer, Moore and Patterson. On motion of Senator Bender, Senators Bauer and Moore were excused. On motion of Senator Zimmerman, Senator Patterson was excused.

The Sergeant at Arms Color Guard, consisting of Pages Cathy Maynard and Beverley Vozenilek, presented the Colors. Senator Stanley C. Johnson offered the prayer.

**MESSAGE FROM THE SECRETARY OF STATE**

August 10, 1987

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

I have attached a full, true and correct copy of Proclamation No. 87-04 of the Governor calling a special session of the Washington State Legislature to be convened at 9:00 a.m. on August 10, 1987.

IN WITNESS WHEREOF, I have hereunto  
set my hand and affixed the seal of the state  
of Washington, to be affixed at Olympia this  
tenth day of August, 1987.

RALPH MUNRO, Secretary of State

(Seal)

**MESSAGE FROM THE GOVERNOR  
PROCLAMATION BY THE GOVERNOR**

No. 87-04

WHEREAS, the invalidation of the multiple activities exemption contained in RCW 82.04.440 by the United States Supreme Court now requires adjustments to the state's business and occupation tax to achieve constitutional equality between Washington taxpayers who have conducted and will continue to conduct business interstate and intrastate commerce; and

WHEREAS, it is necessary to clarify the requirement that nursing homes entering into contracts with the Department of Social and Health Services shall provide specific minimum wages for certain employees;

NOW, THEREFORE, I, Booth Gardner, Governor of the State of Washington, by virtue of the authority vested in me by Article II, Section 12 (Amendment 68), and Article III, Section 7 of the State Constitution, do hereby convene the Washington State Legislature in special session in the Capitol at Olympia at 9:00 a.m. on August 10, 1987, for the purposes stated herein.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington, to be affixed at Olympia this 31st day of July, A.D., Nineteen Hundred and Eighty-seven.

BOOTH GARDNER, Governor

(Seal)

By the Governor:  
RALPH MUNRO, Secretary of State

RESIGNATION OF SENATOR JIM McDERMOTT

June 19, 1987

The Honorable Booth Gardner  
Governor of the State of Washington  
Second Floor, Legislative Building  
Olympia, Washington 98504  
Dear Governor Gardner:

I am writing to inform you of my resignation from the Washington State Senate, effective 24 July 1987. This is not a decision at which I have arrived easily; rather, I have given it the most serious deliberation over the course of many months. The factors upon which my decision finally rests are personal considerations.

My years in elective office have yielded enormous satisfaction to me. I believe that public service is, indeed, "the highest calling," and I am genuinely grateful to the people of the 43rd Legislative District for the opportunity for service they granted me. Public life has taught me a great deal. I hope that I have made a meaningful contribution in return.

It has been a personal pleasure for me to work with you for the past two-and-a-half years, and I extend my very best wishes to you for the future.

Sincerely,

Jim McDermott, State Senator

INTRODUCTION AND FIRST READING

SCR 8419 by Senators Vognild, Fleming, Hayner and Sellar

BE IT RESOLVED, By the Senate, The House of Representatives concurring, That a committee consisting of four members of the Senate, to be named by the President of the Senate, and four members of the House of Representatives, to be named by the Speaker of the House of Representatives, be appointed to notify the Governor that the Legislature is organized and ready to conduct business.

MOTIONS

On motion of Senator Vognild, the rules were suspended, Senate Concurrent Resolution No. 8419 was advanced to second reading and read the second time.

On motion of Senator Vognild, the rules were suspended, Senate Concurrent Resolution No. 8419 was advanced to third reading, the second reading considered the third and the resolution was adopted.

APPOINTMENT OF SPECIAL COMMITTEE

In accordance with Senate Concurrent Resolution No. 8419, the President appointed Senators Wojahn, Peterson, Hayner and McDonald to join with a like committee from the House of Representatives to notify the Governor that the Legislature is organized and ready to transact business.

MOTION

On motion of Senator Vognild, the appointees were confirmed.

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

MOTION

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

## SENATE RESOLUTION 1987-8692

by Senators Vognild, Fleming, Hayner and Sellar

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

## APPOINTMENT OF SPECIAL COMMITTEE

Under provisions of Senate Resolution 1987-8692, the President appointed Senators Stratton, Hansen, Lee and Newhouse to notify the House of Representatives that the Senate is organized and ready to transact business.

## MOTION

On motion of Senator Vognild, the appointees were confirmed.  
The committee retired to the House of Representatives.

## REPORT OF COMMITTEE

A committee from the House of Representatives consisting of Representatives Holm, Sprenkle, Joe Williams and Silver appeared before the bar of the Senate and notified the Senate that the House is organized and ready to transact business.

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

## REPORT OF COMMITTEE

The special committee consisting of Senators Wojahn, Peterson, Hayner and McDonald appeared before the bar of the Senate to report that the Governor had been notified, under the provisions of Senate Concurrent Resolution No. 8419, that the Legislature is organized and ready to transact business.

The report was received and the committee was discharged.

## REPORT OF COMMITTEE

The Senate Committee composed of Senators Stratton, Hansen, Lee and Newhouse appeared before the bar of the Senate and reported that the House of Representatives had been notified that the Senate is organized and ready to transact business.

The report was received and the committee was discharged.

## MOTION

At 9:15 a.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 11:30 a.m. by President Cherberg.

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

## MESSAGE FROM THE HOUSE

August 10, 1987

Mr. President:

The House has adopted SENATE CONCURRENT RESOLUTION NO. 8419 and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

## SIGNED BY THE PRESIDENT

The President signed:

SENATE CONCURRENT RESOLUTION NO. 8419.

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

## INTRODUCTION AND FIRST READING

SB 6078 by Senators Vognild, Hayner, Fleming and Sellar (by request of Governor Gardner and Department of Revenue)

AN ACT Relating to business and occupation taxation of multiple activities; amending RCW 82.04.440; creating new sections; and declaring an emergency.

## MOTIONS

On motion of Senator Vognild, the rules were suspended, Senate Bill No. 6078 was advanced to second reading and read the second time.

On motion of Senator Vognild, the rules were suspended, Senate Bill No. 6078 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

## REMARKS BY SENATOR GASPARD

Senator Gaspard: "On June 23, the United States Supreme Court ruled that the multiple activities exemption contained in Washington's business and occupation tax was unconstitutional. The bill before you today repairs the B&O tax system and returns it to firm constitutional ground.

"This bill is the result of a great deal of thought and study. After the United States Supreme Court ruling, a work group was formed to respond to the decision. The group was bipartisan, composed of two members of each caucus in the House and the Senate as well as two representatives of Governor Gardner.

"The group considered a number of solutions, such as the elimination of the multiple activities exemption, which would have doubled the tax on businesses that both manufacture and sell their products in Washington. The group also considered an apportioned gross receipts tax. In the end, the group unanimously recommended the double credit because it solves the constitutional problem identified by the United States Supreme Court with the least disruption to the present business and occupation tax system.

"The U. S. Supreme Court struck down the multiple activities exemption, because its benefits were limited exclusively to intrastate commerce. A business that both manufactured and sold products in Washington was subject to only one tax, either the wholesale or retail B&O tax. The multiple activities exemption shielded the business from the manufacturing tax on the products sold within the state. The multiple activities exemption did not apply however, to manufacturing businesses engaged in interstate commerce. If a business manufactured a product in Washington and sold it elsewhere, the business was potentially subject to two taxes--Washington's manufacturing tax and another state's selling tax. The U. S. Supreme Court concluded in June that this potential for double taxation of interstate commerce was discriminatory.

"The double credit eliminates this problem by extending the benefits of the multiple activities exemption to interstate commerce. Under this bill, intrastate commerce and interstate commerce will be treated in an identical manner as required by the U. S. Supreme Court.

"The idea of allowing a credit against Washington taxes for taxes paid to other states is not a new one. In 1985, the Legislature enacted a business and occupation tax credit, in anticipation of a ruling by the U. S. Supreme Court invalidating the multiple activities exemption. This bill simply extends the scope of the 1985 credit.

"Also, for many years Washington has allowed a credit against Washington use tax for sales taxes paid to other states. The analogy between the use tax credit and the double credit in this bill is especially apt. The U. S. Supreme Court supported its conclusion that the multiple activities exemption was discriminatory by comparing it to Washington's sales and use tax which allows a use tax credit for sales taxes paid to other states. The court concluded that in order to have a valid multiple activities exemption it is similarly necessary for Washington to allow a credit against Washington tax liability for taxes paid to other states. The double credit in this bill achieves that end.

"Specifically, the bill provides a credit against the wholesaling or retailing taxes for manufacturing taxes paid to Washington State and jurisdictions outside Washington. It also allows a credit against Washington manufacturing and extracting taxes for gross receipts taxes on wholesaling or retailing paid outside the state.

"In short, this bill responds to the United States Supreme Court decision and minimizes the state's fiscal and legal risk. It substantially improves the 1985 credit enacted by the Legislature and it does so in a way that does not adversely impact small manufacturers doing business in the state."

## POINT OF INQUIRY

Senator Deccio: "Senator Gaspard, this morning I asked the attorney from Bogel and Gates if we passed this bill if it would mean more litigation. His answer was, 'yes.' Mr. Wilkerson did not respond. I am just curious as to what your response would be."

Senator Gaspard: "Senator Deccio, it would be very difficult to anticipate what the attorneys will decide in this case. For the record and the question and answer, I would not want to make any definitive answer to that. I think that will be left for the Department of Revenue and the Attorney General's Office and the plaintiff's attorneys to make those decisions."

## REMARKS BY SENATOR McDONALD

Senator McDonald: "This bill has been criticized by some, because it only allows credit for the payment of certain gross receipts taxes in other jurisdictions. They argue that to be valid a credit must be allowed against a wider variety of taxes, even including income taxes paid to other jurisdictions.

"Their argument misconstrues the decision of the U. S. Supreme Court. In discussing the requirement for credits, the Supreme Court was clearly talking about credits for manufacturing and selling taxes paid to other states. Put another way, Washington must treat interstate businesses in the same manner as it treats intra-state businesses. Washington is not required to account for or allow a credit for completely different kinds of taxes paid in other jurisdictions.

"Again, the analogy to Washington's sales and use tax is apt. Washington allows a credit against its use tax for sales taxes paid to other states. We do not allow a credit against our use tax for income or property taxes paid to any other state--nor are we required to. The same principle applies to the double credit in this bill.

"In fact, other jurisdictions do have gross receipts taxes which may be credited against Washington's taxes under this bill. For example, a number of states impose gross receipts taxes, similar to Washington's extracting tax, on the severance of minerals, oil or gas. An oil company that pays a qualifying gross receipts tax on the severance of oil will be entitled to a credit against Washington's selling tax on the sale of that oil in this state."

"In conclusion, the work group and leadership have agreed to a proposal on a bipartisan basis. That proposal responds to the legal and fiscal concerns which were expressed upon receipt of the Supreme Court decision.

"I want to compliment all four caucuses and the Governor and his staff for putting forth a workable solution to this complicated problem."

## MOTION

On motion of Senator Vognild, the remarks by Senators Gaspard and McDonald will be spread upon the journal.

Further debate on Senate Bill No. 6078 ensued.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 6078.

## ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 6078 and the bill passed the Senate by the following vote: Yeas, 44; nay, 1; Excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Owen, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 44.

Voting nay: Senator Talmadge - 1.

Excused: Senators Bauer, Moore, Patterson - 3.

SENATE BILL NO. 6078, having received the 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 Senator Vognild, Senate Bill No. 6078 was ordered immediately transmitted to the House of Representatives.

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

## MESSAGE FROM THE HOUSE

August 10, 1987

Mr. President:

The House has passed HOUSE BILL NO. 1260 and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

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

## INTRODUCTION AND FIRST READING OF HOUSE BILL

HB 1260 by Representatives Grimm, Brough, Lewis, Beck, Walker, Betrozoff, Ballard, McLean, Moyer, Fisch, Amondson, Miller, Doty, C. Smith, Silver, Chandler, D. Sommers, Fisher, P. King, Schoon, Brooks, Leonard, May and Ferguson (by request of Governor Gardner)

Providing minimum wages for low wage earner nursing home employees.

## MOTIONS

On motion of Senator Vognild, the rules were suspended, House Bill No. 1260 was advanced to second reading and read the second time.

On motion of Senator Vognild, the rules were suspended, House Bill No. 1260 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 1260.

## ROLL CALL

The Secretary called the roll on final passage of House Bill No. 1260 and the bill passed the Senate by the following vote: Yeas, 45; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Owen, Peterson, Pullen, Rasmussen, Rinehart, Saling, Seilar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 45.

Excused: Senators Bauer, Moore, Patterson - 3.

HOUSE BILL NO. 1260, having received the 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 President returned the Senate to the fourth order of business.

## MESSAGE FROM THE HOUSE

August 10, 1987

Mr. President:

The House has passed HOUSE BILL NO. 1261 and the same is herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

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

## INTRODUCTION AND FIRST READING OF HOUSE BILL

HB 1261 by Representatives Grimm, Brough, Beck, Walker, Betrozoff, Ballard, McLean, Moyer, Fisch, Amondson, Miller, Doty, C. Smith, Silver,

Chandler, D. Sommers, Fisher, P. King, Schoon, Brooks, Leonard, May and Ferguson (by request of Governor Gardner)

Authorizing funds to increase the number of persons served in the chore services program and the community options program entry system.

#### MOTIONS

On motion of Senator Vognild, the rules were suspended, House Bill No. 1261 was advanced to second reading and read the second time.

On motion of Senator Vognild, the rules were suspended, House Bill No. 1261 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 1261.

#### ROLL CALL

The Secretary called the roll on final passage of House Bill No. 1261 and the bill passed the Senate by the following vote: Yeas, 45; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Owen, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 45.

Excused: Senators Bauer, Moore, Patterson - 3.

HOUSE BILL NO. 1261, having received the 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 President returned the Senate to the fourth order of business.

#### MESSAGES FROM THE HOUSE

August 10, 1987

Mr. President:

The Speaker has signed SENATE CONCURRENT RESOLUTION NO. 8419 and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

August 10, 1987

Mr. President:

The House has passed SENATE BILL NO. 6078 and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### SIGNED BY THE PRESIDENT

The President signed:  
SENATE BILL NO. 6078.

#### MOTION

At 12:14 p.m., on motion of Senator Vognild, the Senate recessed until 1:30 p.m.

#### AFTERNOON SESSION

The Senate was called to order at 1:30 p.m. by President Cherberg.

#### MOTION

At 1:30 p.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 4:11 p.m. by President Cherberg.

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

## INTRODUCTION AND FIRST READING

SB 6084 by Senators Vognild, Hayner, Fleming and Sellar

AN ACT Relating to corporations; amending RCW 23A.32.010; adding a new section to chapter 23A.28 RCW; adding a new section to chapter 23A.32 RCW; adding a new chapter to Title 23A RCW; creating a new section; providing an expiration date; and declaring an emergency.

## MOTIONS

On motion of Senator Vognild, the rules were suspended, Senate Bill No. 6084 was advanced to second reading and read the second time.

On motion of Senator Vognild, the rules were suspended, Senate Bill No. 6084 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

## POINT OF ORDER

Senator Cantu: Mr. President, I rise on a point of order. Rule 1 of the Joint Rules, Conflict of Interest, Joint Rule 1 (a), subsection (1) Code of Ethics and Senate Rule 22, subsections (1) and (2) address the issue of a legislator voting on measures in which he or she may have a personal interest.

"The legislation we now have before us in Senate Bill No. 6084 could potentially uniquely affect the operation of my employer, the Boeing Company. The Senate and Joint Rules, relating to members voting, state that legislators who have what is defined as a conflict of interest regarding a measure before the body shall not vote on the measure. I am employed by the Boeing Company as an Engineering Supervisor. For the record, there are approximately a thousand supervisors in the same capacity in a workforce of approximately 100,000 employees.

"Pursuant to the rules of the Senate, Joint Rules and Reed's Parliamentary Rules--Rule 235, I hereby request a ruling regarding whether or not I should be excused from voting on Senate Bill No. 6084."

## RULING BY THE PRESIDENT

President Cherberg: "Senator Cantu, the Senate Rules and Joint Rules require that a legislator shall only be excused from voting when the interest is direct and the legislator has reason to believe or expect that a direct monetary gain or loss will be derived by reason of the legislator's official activity.

"Joint Rule 1 clearly states that a legislator does not have a personal interest which is in conflict with the proper discharge of legislative duties if no benefit or detriment accrues to the legislator as a member of a business, profession, occupation, or group, to a greater extent than any other member of such business, profession, occupation, or group.

"Therefore, the President rules that based upon the facts presented, you do not have a conflict of interest and you should not be excused from voting on Senate Bill No. 6084."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 6084.

## ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 6084 and the bill passed the Senate by the following vote: Yeas, 44; nays, 2; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 44.

Voting nay: Senators Craswell, Talmadge - 2.

Excused: Senators Bauer, Patterson - 2.

SENATE BILL NO. 6084, having received the 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 Senator Vognild, Senate Bill No. 6084 was ordered immediately transmitted to the House of Representatives.

## MOTION

At 4:25 p.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 5:35 p.m. by President Cherberg.

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

## MESSAGES FROM THE HOUSE

August 10, 1987

Mr. President:

The House has passed SENATE BILL NO. 6084 and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

August 10, 1987

Mr. President:

The Speaker has signed HOUSE BILL NO. 1261 and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

August 10, 1987

Mr. President:

The Speaker has signed HOUSE BILL NO. 1260 and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

August 10, 1987

Mr. President:

The Speaker has signed SENATE BILL NO. 6078 and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

## SIGNED BY THE PRESIDENT

The President signed:  
HOUSE BILL NO. 1260.  
HOUSE BILL NO. 1261.

## SIGNED BY THE PRESIDENT

The President signed:  
SENATE BILL NO. 6084.

## MOTION

At 5:40 p.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 6:04 p.m. by President Cherberg.

## MOTION

At 6:04 p.m., on motion of Senator Fleming, the Senate was declared to be at ease.

The Senate was called to order at 7:03 p.m. by President Cherberg.

## MESSAGE FROM THE HOUSE

August 10, 1987

Mr. President:

The Speaker has signed SENATE BILL NO. 6084 and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

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

## INTRODUCTION AND FIRST READING

SB 6079 by Senators Vognild, Hayner, Fleming and Sellar (by request of Governor Gardner)

AN ACT Relating to minimum wages for low wage earner nursing home employees; amending section 207, chapter 7, Laws of 1987 1st ex. sess. (uncodified); and declaring an emergency.

Hold.

SB 6080 by Senator Bailey

AN ACT Relating to chore services; creating a new section; making an appropriation; and declaring an emergency.

Hold.

SB 6081 by Senators Wojahn, Rasmussen, Gaspard, Warnke, Fleming, Vognild and Bender

AN ACT Relating to long term care; amending section 207, chapter 7, Laws of 1987 1st ex. sess. (uncodified); and declaring an emergency.

Hold.

SB 6082 by Senators Gaspard, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn and Zimmerman (by request of Governor Gardner)

AN ACT Relating to minimum wages for low wage earner nursing home employees; amending RCW 74.46.430; amending section 207, chapter 7, Laws of 1987 1st ex. sess. (uncodified); and declaring an emergency.

Hold.

SB 6083 by Senators Gaspard, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn and Zimmerman (by request of Governor Gardner)

AN ACT Relating to long term care; amending section 207, chapter 7, Laws of 1987 1st ex. sess. (uncodified); and declaring an emergency.

Hold.

SCR 8420 by Senators Warnke, Bender, Newhouse, Vognild and Anderson

Establishing a joint select committee on corporate merger and acquisitions.

Hold.

## MOTION

On motion of Senator Vognild, Senate Bills Nos. 6079, 6080, 6081, 6082, 6083 and Senate Concurrent Resolution No. 8420 were referred to the Committee on Ways and Means.

COMMITTEE FROM THE HOUSE NOTIFYING  
THE SENATE OF ADJOURNMENT SINE DIE

The Sergeant at Arms announced the arrival of the committee from the House consisting of Representatives Valle, Prince and Lux. The committee appeared before the bar of the Senate to notify the Senate that the House is about to adjourn SINE DIE.

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

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

#### MOTION

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

#### SENATE RESOLUTION 1987-8693

by Senators Vognild, Fleming, Hayner and Sellar

BE IT RESOLVED, By the Senate, That a committee consisting of four members of the Senate be appointed to notify the House that the Legislature is about to adjourn SINE DIE.

#### APPOINTMENT OF SPECIAL COMMITTEE TO NOTIFY HOUSE OF ADJOURNMENT SINE DIE

Under the provisions of Senate Resolution 1987-8693, the President appointed Senators Fleming, Barr, Bender and Nelson to notify the House that the Senate is ready to adjourn SINE DIE.

#### MOTION

On motion of Senator Vognild, the committee appointments were confirmed. The committee retired to the House of Representatives.

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

#### INTRODUCTION AND FIRST READING

SCR 8421 by Senators Vognild, Fleming, Hayner and Sellar

Notifying the governor of adjournment of the 1987 second special session.

#### MOTIONS

On motion of Senator Vognild, the rules were suspended, Senate Concurrent Resolution No. 8421 was advanced to second reading and read the second time.

On motion of Senator Vognild, the rules were suspended, Senate Concurrent Resolution No. No. 8421 was advanced to third reading, the second reading considered the third and the resolution was adopted.

#### APPOINTMENT OF SPECIAL COMMITTEE TO NOTIFY THE GOVERNOR OF ADJOURNMENT SINE DIE

Under provisions of Senate Concurrent Resolution No. 8421, the President appointed Senators Fleming, Barr, Bender and Nelson from the Senate to join a like committee from the House to notify the Governor that the Legislature is about to adjourn SINE DIE.

#### MOTION

On motion of Senator Vognild, the committee appointments were confirmed.

#### REPORT OF SPECIAL COMMITTEE APPOINTED NOTIFYING HOUSE OF ADJOURNMENT SINE DIE

The Sergeant at Arms announced the return of the special committee, composed of Senators Fleming, Barr, Bender and Nelson who were appointed under the provisions of Senate Resolution 1987-8693. The committee reported they had notified the House that the Senate is ready to adjourn SINE DIE.

The report was received and the committee was discharged.

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

## MESSAGE FROM THE HOUSE

August 10, 1987

Mr. President:

The House has adopted SENATE CONCURRENT RESOLUTION NO. 8421 and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SENATE CONCURRENT RESOLUTION NO. 8421.

## MESSAGE FROM THE GOVERNOR

June 9, 1987

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on June 9, 1987, Governor Gardner approved the following Senate Bill entitled:

Substitute Senate Bill No. 5293

Relating to the business and occupation taxation of health or social welfare services.

Sincerely,

TERRY SEBRING, Counsel to the Governor

REPORT OF SPECIAL COMMITTEE APPOINTED TO NOTIFY  
THE GOVERNOR OF ADJOURNMENT SINE DIE

The Sergeant at Arms announced the return of the special committee composed of Senators Fleming, Barr, Bender and Nelson who were appointed under the provisions of Senate Concurrent Resolution No. 8421. The committee reported they joined with a like committee from the House and notified the Governor that the Legislature is about to adjourn SINE DIE.

The report was received and the committee was discharged.

## MESSAGE FROM THE HOUSE

August 10, 1987

Mr. President:

The Speaker has signed SENATE CONCURRENT RESOLUTION NO. 8421 and the same is herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

## MOTION

On motion of Senator Vognild, the Senate Journal for the first day of the 1987 Second Special Session of the Fiftieth Legislature was approved.

## MOTION

At 7:22 p.m., on motion of Senator Bottiger, the 1987 Second Special Session of the Fiftieth Legislature adjourned SINE DIE.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

# SENATE JOURNAL

— 1987 —

THIRD SPECIAL SESSION

FIFTIETH LEGISLATURE

## STATE OF WASHINGTON

AT

### OLYMPIA, John A. Cherberg Building

Convened October 10, 1987  
Adjourned Sine Die October 10, 1987

Compiled, Edited and Indexed by  
SID SNYDER, *Secretary of the Senate*



MARY WILEY  
*Minute and Journal Clerk*

---

JOHN A. CHERBERG, *President of the Senate*  
A. L. "SLIM" RASMUSSEN, *President Pro Tempore*  
ALBERT BAUER, *Vice President Pro Tempore*

## SENATE CAUCUS OFFICERS

### DEMOCRATIC CAUCUS

*Majority Leader* .....LARRY L. VOGNILD  
*Chairman*.....GEORGE FLEMING  
*Assistant Majority Leader* ..... ALBERT BAUER  
*Vice Chairman* .....R. LORRAINE WOJAHN  
*Majority Whip*.....RICK S. BENDER

### REPUBLICAN CAUCUS

*Minority Leader* .....JEANNETTE HAYNER  
*Chairman* .....GEORGE L. SELLAR  
*Republican Floor Leader* .....IRV NEWHOUSE  
*Republican Whip* .....HAL ZIMMERMAN  
*Vice Chairman*.....STANLEY C. JOHNSON  
*Asst. Republican Floor*  
*Leader* .....GERALD L. (JERRY) SALING  
*Assistant Whip* .....JACK METCALF

---

---

*Secretary of the Senate*.....SID SNYDER  
*Assistant Secretary* .....BILL GLEASON  
*Sergeant at Arms* .....O. F. "OLE" SCARPELLI  
*Secretary to the Secretary* .....NYLA WOOD  
*Reader* .....DAVE DeFORREST  
*Minute and Journal Clerk* .....MARY WILEY

**JOURNAL OF THE SENATE  
STATE OF WASHINGTON  
1987 THIRD SPECIAL SESSION  
FIFTIETH LEGISLATURE**

**FIRST DAY**

---

**MORNING SESSION**

---

Senate Chamber, Olympia, Saturday, October 10, 1987

The Senate was called to order in Senate Hearing Room 1 of the John A. Cherberg Building at 9:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Craswell, Hayner, Moore, Patterson, Saling, Stratton, von Reichbauer and Williams. On motion of Senator Bender, Senators Moore, Stratton and Williams were excused. On motion of Senator Zimmerman, Senators Craswell, Hayner, Patterson, Saling and von Reichbauer were excused.

The Sergeant at Arms Color Guard, consisting of Pages Orlando Scarpelli and Sid Snyder, presented the Colors. Senator Paul H. Conner offered the prayer.

**MESSAGE FROM THE SECRETARY OF STATE**

October 10, 1987

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

I have attached a full, true and correct copy of Proclamation No. 87-05 of the Governor calling a special session of the Washington State Legislature to be convened at 9:00 a.m. on October 10, 1987.

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

RALPH MUNRO, Secretary of State

(Seal)

**MESSAGE FROM THE GOVERNOR  
PROCLAMATION BY THE GOVERNOR**

No. 87-05

WHEREAS, consideration by the Legislature of the issues of hazardous waste sites' clean-up and funding, and additional funding to ensure teachers are given the pay increases anticipated from earlier legislation which was effective for the 1987-88 school year, should not be delayed further;

NOW, THEREFORE, I, Booth Gardner, Governor of the state of Washington, by virtue of the authority vested in me by Article II, Section 12 (Amendment 68), and Article III, Section 7 of the State Constitution, do hereby convene the Legislature of the state of Washington on Saturday, October 10, 1987, at 9:00 a.m. in Special Session in Olympia for the purposes stated herein.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington, to be affixed at Olympia this 2nd day of October, Nineteen Hundred and Eighty-seven.

BOOTH GARDNER, Governor

(Seal)

By the Governor:

RALPH MUNRO, Secretary of State

RESIGNATION OF SENATOR LOWELL PETERSON

August 31, 1987

The Honorable Booth Gardner  
Governor of the State of Washington  
Legislative Building  
Olympia, Washington 98504  
Dear Governor Gardner:

Please accept this letter as my resignation from the office of Washington State Senator, representing the 40th Legislative District, effective September 1, 1987.

Sincerely,

Lowell Peterson, State Senator

APPOINTMENT OF SENATOR PAT McMULLEN

WHATCOM COUNTY COUNCIL

October 1, 1987

The Honorable Booth Gardner  
Legislative Building  
Olympia, Washington 98504  
Dear Governor:

Enclosed is a copy of a Joint Resolution of Whatcom, Skagit and San Juan Counties appointing Pat McMullen to the 40th Legislative Senate seat. The resolution was passed by the three counties at a joint meeting held in Whatcom County on October 1, 1987.

Sincerely,

Carol Ebergson, Clerk of the  
Council

APPOINTMENT OF SENATOR JANICE NIEMI

KING COUNTY COUNCIL

October 1, 1987

Lieutenant Governor John A. Cherberg  
Office of Lieutenant Governor  
3rd Floor, Legislative Building  
Olympia, Washington 98504  
Dear Lieutenant Governor Cherberg:

This is to advise you that at the King County Council meeting of September 19, 1987, the Council appointed Janice Niemi to the vacancy in the 43rd District for the State Senate created by the resignation of Senator Jim McDermott.

Sincerely yours,

Dorothy M. Owens, Clerk of the  
Council

INTRODUCTION AND FIRST READING

SCR 8422 by Senators Vognild, Fleming, Hayner and Sellar

BE IT RESOLVED, By the Senate, The House of Representatives concurring, That a committee consisting of four members of the Senate, to be named by the President of the Senate, and four members of the House of Representatives, to be named by the Speaker of the House of Representatives, be appointed to notify the Governor that the Legislature is organized and ready to conduct business.



## MOTIONS

On motion of Senator Bauer, the rules were suspended, Senate Concurrent Resolution No. 8422 was advanced to second reading and read the second time.

On motion of Senator Bauer, the rules were suspended, Senate Concurrent Resolution No. 8422 was advanced to third reading, the second reading considered the third and the resolution was adopted.

## MOTION

On motion of Senator Bauer, Senate Concurrent Resolution No. 8422 was ordered immediately transmitted to the House.

## APPOINTMENT OF SPECIAL COMMITTEE

In accordance with Senate Concurrent Resolution No. 8422, the President appointed Senators Rasmussen, Lee, DeJarnatt and Bluechel to join with a like committee from the House of Representatives to notify the Governor that the Legislature is organized and ready to transact business.

## MOTION

On motion of Senator Bauer, the appointees were confirmed.

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

## MOTION

On motion of Senator Bauer, the following resolution was adopted.

## SENATE RESOLUTION 1987-8694

by Senators Vognild, Fleming, Hayner and Sellar

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

## APPOINTMENT OF SPECIAL COMMITTEE

Under provisions of Senate Resolution 1987-8694, the President appointed Senators Niemi, Bailey, McMullen and Zimmerman to notify the House of Representatives that the Senate is organized and ready to transact business.

## MOTION

On motion of Senator Bauer, the appointees were confirmed.

The committee retired to the House of Representatives.

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

## MESSAGE FROM THE GOVERNOR

August 11, 1987

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on August 11, 1987, Governor Gardner approved the following Senate Bills entitled:

Senate Bill No. 6078

Relating to business and occupation taxation of multiple activities.

Senate Bill No. 6084

Relating to corporations.

Sincerely,

TERRY SEBRING, Legal Counsel to the Governor

## REPORT OF COMMITTEE

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

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

## REPORT OF COMMITTEE

The special committee consisting of Senators Niemi, Bailey, McMullen and Zimmerman appeared before the bar of the Senate to report that the House of Representatives had been notified, under the provisions of Senate Resolution 1987-8694, that the Senate is organized and ready to transact business.

The report was received and the committee was discharged.

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

## REPORT OF COMMITTEE

The special committee consisting of Senators Rasmussen, Lee, DeJarnatt and Bluechel appeared before the bar of the Senate to report that the Governor had been notified, under the provisions of Senate Concurrent Resolution No. 8422, that the Legislature is organized and ready to transact business.

The report was received and the committee was discharged.

## INTRODUCTION AND FIRST READING

SB 6085 by Senators Kreidler, Newhouse, Gaspard, Owen and Vognild (by request of Governor Gardner)

AN ACT Relating to the environment; amending RCW 90.48.460 and 90.48.190; amending section 6, chapter 109, Laws of 1987 and RCW 43.21B.--; adding a new section to chapter 9A.36 RCW; adding a new section to chapter 34.04 RCW; adding a new section to chapter 43.21C RCW; adding a new section to chapter 70.94 RCW; adding a new section to chapter 70.105 RCW; adding a new section to chapter 90.03 RCW; adding a new section to chapter 90.44 RCW; adding new sections to chapter 90.48 RCW; adding a new section to chapter 90.58 RCW; creating a new chapter in Title 70 RCW; creating a new chapter in Title 82 RCW; creating new sections; repealing RCW 70.105A.010, 70.105A.020, 70.105A.030, 70.105A.040, 70.105A.050, 70.105A.060, 70.105A.070, 70.105A.080, 70.105A.090, 70.105A.900, and 70.105A.905; prescribing penalties; making appropriations; providing an effective date; and declaring an emergency.

## MOTIONS

On motion of Senator Bauer, the rules were suspended, Senate Bill No. 6085 was advanced to second reading and read the second time.

On motion of Senator Kreidler, the following amendments by Senators Kreidler and Newhouse were considered simultaneously and adopted:

On page 3, line 3, after "a" insert "substantial"

On page 5, line 25, after "(a)" delete all material through "sites" and insert "Establish criteria for determining priorities among hazardous substance sites. These criteria shall assure that sites are ranked by a system that objectively and numerically assesses the relative degree of risk at such sites"

On motion of Senator Kreidler, the following amendment by Senators Kreidler and Newhouse was adopted:

On page 44, after line 18, insert the following:

"NEW SECTION. Sec. 57. The sum of three million six hundred thousand dollars, or so much thereof as may be necessary, is appropriated from the water quality permit account to the department of ecology for the biennium ending June 30., 1989, to carry out the purposes of sections 34 through 42 of this act."

Reumber the remaining sections consecutively and correct any internal references accordingly

## MOTION

Senator Halsan moved that the following amendments by Senators Halsan, Talmadge, Smitherman and Tanner be considered simultaneously and adopted:

On page 27, after line 32, insert the following:

"NEW SECTION. Sec. 21 HAZARDOUS SUBSTANCES CONFISCATED BY LAW ENFORCEMENT AGENCIES. (1) The director of the department of ecology shall arrange for the collection of hazardous substances confiscated by law enforcement agencies pursuant to chapter 69.50 RCW or may provide financial assistance to law enforcement agencies for the disposal of such substances.

(2) The director of the department of ecology may adopt rules to allow the department to take possession and dispose of hazardous substances confiscated by law enforcement agencies under chapter 69.50 RCW.

(3) Any person convicted of a crime under chapter 69.50 RCW involving hazardous substances confiscated by a law enforcement agency may upon conviction, be assessed by the sentencing court with the costs of the disposal Any money collected pursuant to this subsection shall not be subject to deposit in the public safety and education account. The department of ecology may seek reimbursement for the departments' contributions to the cost of disposal from the moneys collected from such convicted person."

Renumber the remaining sections consecutively and correct any internal references accordingly

On page 29, line 1, after "RCW 70.105.150" insert ":

(m) Disposal of law enforcement agency drug related confiscations as required in section 21 of this act"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendments by Senators Halsan, Talmadge, Smitherman and Tanner.

The motion by Senator Halsan carried and the amendments were adopted.

#### MOTION

Senator Talmadge moved that the following amendment be adopted:

On page 24, line 21, after "(6)" insert "(a) If an aggrieved person prevails in a civil action under this section, the person is entitled to his or her costs, disbursements, and reasonable attorneys' fees.

(b) In a civil action under this section, the superior court having jurisdiction may, upon written findings by the judge that the action was frivolous and advanced without reasonable cause, require the nonprevailing party to pay the prevailing party the reasonable expenses, including fees of attorneys, incurred in opposing such action. This determination shall be made upon motion by the prevailing party after an order of dismissal, order on summary judgment, or final judgment after trial or other final order terminating the action as to the prevailing party. In no event may such motion be filed more than thirty days after entry of the order. The judge shall consider the action as a whole.

(7)"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Talmadge.

The motion by Senator Talmadge failed and the amendment was not adopted.

#### MOTION

Senator Talmadge moved that the following amendment be adopted:

On page 46, after line 4, insert the following:

**NEW SECTION.** Sec. 63. Persons seeking to purchase property and casualty insurance to cover losses stemming from hazardous substances have experienced major problems due to the lack of availability of such insurance. The legislature finds that the availability of this coverage 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 64 through 67 of this act are intended to assist in reducing the problems of hazardous substance insurance unavailability by authorizing the commissioner to establish joint underwriting associations when the commissioner finds that this insurance is not generally available in the admitted market.

**NEW SECTION.** Sec. 64. 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 65 through 67 of this act.

(1) "Association" means a joint underwriting association established under section 65 of this act.

(2) "Casualty insurance" means those types of insurance set forth in RCW 48.11.070 but does not include workers' compensation.

(3) "Commissioner" means the insurance commissioner of the state of Washington.

(4) "Hazardous substance coverage" means coverage for liability or property loss stemming from the use of hazardous substances as defined in section 2 of this act.

(5) "Property insurance" means those types of insurance set forth in RCW 48.11.040.

(6) "Insurer" means those persons set forth in RCW 48.01.050.

**NEW SECTION.** Sec. 65. A new section is added to chapter 48.22 RCW to read as follows:

If the commissioner finds that property and/or casualty insurance for hazardous substance coverage 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 insurance through policies of insurance affording reasonable coverage.

**NEW SECTION.** Sec. 66. A new section is added to chapter 48.22 RCW to read as follows:

Any association established by the commissioner under section 65 of this act shall be comprised 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. 67. A new section is added to chapter 48.22 RCW to read as follows:

Any plan of operation established by the commissioner under section 65 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.

NEW SECTION, Sec. 68. A new section is added to chapter 48.22 RCW to read as follows:

Any insurer with a certificate of authority to write property and casualty insurance in this state shall make available upon request coverage for property and liability damage resulting from hazardous substances. The commissioner shall adopt rules to implement this section."

Renumber the sections consecutively and correct internal references accordingly.

#### POINT OF INQUIRY

Senator Deccio: "A serious question, Senator Talmadge, this would be quite an undertaking for the Commissioner, have you checked with him to see whether or not they would be able to handle this sort of a chore?"

Senator Talmadge: "Senator Deccio, the Commissioner's Office has been made aware. You will note in the bill that it is not mandatory that he operate a joint underwriting authority, but rather it is discretionary with his office, and that is language that I think would be acceptable to the Insurance Commissioner. It may well be that there are some costs associated with it, but it is discretionary with the Commissioner, after making those specific findings."

Further debate ensued.

Senator Rasmussen demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator Talmadge.

#### ROLL CALL

The Secretary called the roll and the amendment by Senator Talmadge was not adopted by the following vote: Yeas, 15; nays, 25; absent, 1; excused, 8.

Voting yea: Senators Bender, Deccio, Fleming, Garrett, Gaspard, Halsan, Lee, Pullen, Rasmussen, Rinehart, Smitherman, Talmadge, Warnke, West, Wajahn - 15.

Voting nay: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Bottiger, Cantu, Conner, DeJarnatt, Hansen, Johnson, Kiskaddon, Kreidler, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Niemi, Owen, Sellar, Vognilid, Zimmerman - 25.

Absent: Senator Tanner - 1.

Excused: Senators Craswell, Hayner, Moore, Patterson, Saling, Stratton, von Reichbauer, Williams - 8.

#### MOTION

Senator Rinehart moved that the following amendment be adopted:

On page 12, line 19, after "operations" strike "or" and insert "and"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Rinehart.

The motion by Senator Rinehart failed and the amendment was not adopted.

#### MOTION

Senator Rinehart moved that the following amendments be considered simultaneously and adopted:

On page 39, line 21, after "be" strike "eight" and insert "nine"

On page 39, after line 22, insert the following:

"(2) The rate of taxation under subsection (1) of this section shall be eight-tenths of one percent if a transfer is not made under section 21 of this act. This lower tax shall be imposed on taxable events occurring from and after October 1st of the year in which a transfer is not made until and including September 30th of the succeeding year. This lower tax shall be imposed or reimposed thereafter only if a transfer is not made under section 21 of this act."

Debate ensued.

The President declared the question before the Senate to be adoption of the amendments by Senator Rinehart.

The motion by Senator Rinehart failed and the amendments were not adopted.

MOTION

Senator Bailey moved that the following amendment be adopted:

On page 4, line 15, after "environment," insert "A determination that a pesticide release is hazardous does not diminish or detract from the exemption from liability under section (4) (3) (d) of this act."

MOTION

At 10:16 a.m., on motion of Senator Bauer, the Senate was declared to be at ease.

The Senate was called to order at 11:04 a.m. by President Cherberg.

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

MESSAGE FROM THE HOUSE

October 10, 1987

Mr. President:

The House has adopted SENATE CONCURRENT RESOLUTION BILL NO. 8422 and the same is herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SENATE CONCURRENT RESOLUTION NO. 8422.

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

There being no objection, the Senate resumed consideration of Senate Bill No. 6085 and the pending amendment by Senator Bailey on page 4, line 15, deferred earlier today.

Debate ensued.

POINT OF INQUIRY

Senator Bailey: "Senator Kreidler, the reason that I put this amendment up was for clarification of the liability of this issue. When we read in Section 4, subsection (3) (d) of this Act, farmers that apply pesticides or insecticides under proper facilities in a proper manner--they are exempt. Then we come on with this amendment and there is some question whether they are exempt or whether they are not. I know the committee discussed this, so could you--are they exempt or are they not?"

Senator Kreidler: "Thank you, Senator Bailey, my answer to that is it is true that the pesticide language in the definition of a release under Section 2, subsection (10) does not in any way affect the exemption from liability for persons under Section 4, (3) (d) of this bill."

MOTION

On motion of Senator Bailey and there being no objection, the amendment on page 4, line 15, was withdrawn.

MOTION

Senator Bailey moved that the following amendment be adopted:

On page 9, line 8, after "Producing" insert "or storing"

REMARKS BY SENATOR KREIDLER

Senator Kreidler: "Thank you, Mr. President. I rise to oppose the amendment and I do so on the grounds that fumigation or apple cold storage practices will not be stopped because of the passage of this bill. No additional liability is added to those who fumigate--grain elevators who use agricultural chemicals in the storage of apples. If we start opening up this bill to this change, I can assure you that innumerable other changes would be added to this particular bill--other little

pieces here, there and everywhere that you could possible imagine in this complex society in the state of Washington. I would urge you to reject this amendment and the following amendments that would, in effect, do the same type of specific types of exemption for certain areas.

"There has not been a problem, it isn't broke, let's not try and fix it now. Let's wait and have that opportunity in time to review and see, if indeed, it ever does occur. There is no change in current statute with the passage of this Act--no expansion of liability. I think that is the important bottom line to remember. By adopting this amendment, we are essentially trying to second guess that some day, somehow there might be a problem. It hasn't happened. Let's let this Act go into effect. If indeed, something ever did occur, we can address it at that time."

#### MOTION

On motion of Senator Newhouse, the remarks by Senator Kreidler on the amendment by Senator Bailey on page 9, line 8, will be spread upon the journal.

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Bailey.

The motion by Senator Bailey failed and the amendment was not adopted.

#### MOTION

Senator Bailey moved that the following amendments be considered simultaneously and adopted:

On page 9, line 10, after "plant;" strike "or"

On page 9, line 11, after "timber" insert "; or (v) noxious weed control authorized by the state or any county under chapter 17.10 RCW"

Debate ensued.

#### POINT OF INQUIRY

Senator Rasmussen: "Senator Kreidler, if I understand this--Senator Bailey's amendment--this would include those public bodies serving on weed control for the county, etc. You have exempted 'producing any crops, farm animals, any other farm product, growing Christmas trees, growing any nursery plant or growing trees, including trees for the production of timber.' Now those were all of the people that were in there and helped you write the bill. Senator Bailey is only saying that these people who serve--and most of them are serving on a volunteer basis on these boards and things--that they should have--and clearly written in.

"Now, I rather object to the way we have been doing this. We're writing law here with you declaring the intent and somebody else saying 'well, that's the intent.' I see nothing wrong with the Bailey amendment. It is merely extending some assurance to these people that they have protection in accordance with federal law with the rules and regulations they have that they are granted the same protection.

"Now, I would like to have you explain why you protect certain other groups--and I know that they helped you write the bill. It is no joke, they did write the bill, but when someone else comes in with a reasonable amendment that says we should extend this protection--they don't get any money for doing it. It's a labor of love, but they should have that protection. I don't want any more of this 'intent' out here on what the 'intent' of the law is. You say it is a law, that's it. Everybody understands it. What your 'intent' is, I don't know. Your 'intent' is always good, I am sure.

"Explain why certain other groups are written in here and then you think it is terrible to give any protection to these groups that are working for their own--weed control, mosquito control and those other various bodies?"

Senator Kreidler: "Thank you, Mr. President, rising to what I think was a question. Specifically, there hasn't been a problem shown, there has never occurred a problem of seeing a Superfund established as a problem in this particular area of weed control. You can't imagine the number of uses of different types of chemicals, pesticides, any number of different types of material in our state society where any number of groups and organizations might rise to say, 'but what if.' I think the bottom line here is that we have to remember that there is no extension of liability with

this statute--absolutely none. And the second one is that there has not been a demonstrated problem that would indicate that we should be taking this step at this time. For those reasons, let's not start opening the flood gates and finding one group after another that say, 'what if, maybe.' For them someday, they might, under certain circumstances, find a problem. Believe me, we would be here for many Saturdays and many a week if we tried to open up those flood gates and try to define every single group that might, potentially under those circumstances, be affected. It is by far better to say, 'let's hold the line, let's wait and see if there is a problem' before we try to fix the problem."

Debate ensued.

The President declared the question before the Senate to be adoption of the amendments by Senator Bailey.

The motion by Senator Bailey failed and the amendments were not adopted.

#### MOTION

Senator Lee moved that the following amendment be adopted:

On page 9, following line 25, insert the following:

"(f) Any person who buries or interms or causes to bury or inter without negligence, human remains at a legally authorized site for burial or interment, in accordance with all applicable federal and state laws."

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Lee.

The motion by Senator Lee failed and the amendment was not adopted.

#### MOTION

Senator Lee moved that the following amendment be adopted:

On page 29, line 26, after "statute" insert "and not less than fifty percent of these moneys shall be expended for hazardous waste cleanup and public funding of remedial action"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Lee.

The motion by Senator Lee failed and the amendment was not adopted.

#### MOTION

Senator Cantu moved that the following amendment be adopted:

On page 6, line 8, after "chapter," insert:

"All recommendations for future expenditures and reporting of past expenditures, both public and private, shall include an accounting which specifically details those amounts expended for each of the permissible activities listed in section 21, sub paragraph (3), (a) through (1), of this act. In addition, each activity, whether completed, ongoing or proposed, shall be accounted for by specific dollar allocation in accordance with those permissible expenditures listed in section 21, sub paragraph (3), (a) through (1) of this act."

Debate ensued.

Senator Rasmussen demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator Cantu.

Further debate ensued.

#### POINT OF INQUIRY

Senator Rasmussen: "Senator Cantu, in regard to the remarks made by Senator Vognild, is it your intention that the money that is expended by the Department consists of public and private, but not what the private people themselves have put in?"

Senator Cantu: "The answer is yes, Senator Rasmussen. The amendment is against the toxic control interest. It is that section of the bill that says 'Moneys in the state toxic control account shall be used only to carry out the purposes of this chapter, including but not limited to.' If grants are being given, then I want accountability of those grants."

Senator Rasmussen: "In the way the Department handles the grant?"

Senator Cantu: "That is correct."

Further debate ensued.

## ROLL CALL

The Secretary called the roll and the amendment by Senator Cantu was not adopted by the following vote: Yeas, 18; nays, 24; excused, 7.

Voting yea: Senators Anderson, Bailey, Benitz, Bluechel, Cantu, Craswell, Deccio, Garrett, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Pullen, Rasmussen, Talmadge, Tanner, West - 18.

Voting nay: Senators Barr, Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Gaspard, Halsan, Hansen, Kreidler, McMullen, Metcalf, Nelson, Newhouse, Niemi, Owen, Rinehart, Sellar, Smitherman, Vognild, Warnke, Wojahn, Zimmerman - 24.

Excused: Senators Hayner, Moore, Patterson, Saling, Stratton, von Reichbauer, Williams - 7.

## MOTION

On motion of Senator Vognild, the rules were suspended. Engrossed Senate Bill No. 6085 was advanced the third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

## POINT OF INQUIRY

Senator Zimmerman: "Senator Kreidler, I would like an elaboration of the intent of New Section 23 on page 31 that deals with existing agreements. Does this section mean that if a consent decree or order has been entered into before the effective date of this Act, that the provisions of this Act shall not be construed to amend such agreements?"

Senator Kreidler: "Senator Zimmerman, the answer to your question is yes. The provisions of this Act shall not be construed to amend such agreements."

Further debate ensued.

## POINT OF INQUIRY

Senator Bender: "Senator Kreidler, if a transporter had no knowledge of or no reason to know that he or she was transporting hazardous substances and those substances caused a release, would the transporter be liable under this bill?"

Senator Kreidler: "Yes, he could be, but in allocating the costs of cleanup between a transporter with no knowledge and the person from whom he received the substance, the court should make the person who had knowledge bear all the cleanup costs. Between the two parties, the Department should only seek costs from the person who gave the substance to the transporter."

## POINT OF INQUIRY

Senator Vognild: "Senator Kreidler, on page 8, in Section 4, subsection (3) (b) (i) of the bill, there is an exemption from liability for a person who purchased contaminated property if he or she made 'all appropriate inquiry' to determine whether there was contamination on it. Is it your understanding that 'all appropriate inquiry' means that an owner or purchaser of property must have made a 'reasonable' attempt to find out about contamination on the property?"

Senator Kreidler: "Yes, that is my understanding."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 6085.

## MOTION

On motion of Senator Zimmerman, Senator Craswell was excused.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 6085 and the bill passed the Senate by the following vote: Yeas, 32; nays, 9; excused, 8.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, McDonald, McMullen, Metcalf, Nelson, Newhouse, Owen, Rasmussen, Sellar, Smitherman, Tanner, Vognild, Warnke, Zimmerman - 32.

Voting nay: Senators Garrett, Lee, McCaslin, Niemi, Pullen, Rinehart, Talmadge, West, Wojahn - 9.

Excused: Senators Craswell, Hayner, Moore, Patterson, Saling, Stratton, von Reichbauer, Williams - 8.



ENGROSSED SENATE BILL NO. 6085, having received the 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 Senator Bauer, Engrossed Senate Bill No. 6085 was ordered immediately transmitted to the House of Representatives.

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

## INTRODUCTION AND FIRST READING

SB 6086 by Senators Gaspard, Bailey, Rinehart, Talmadge, Owen, Fleming, Vognild, Kiskaddon, Zimmerman and Metcalf (by request of Governor Gardner)

AN ACT Relating to salary increases for certificated instructional employees; amending RCW 28A.41.---; amending section 503, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 504, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 505, chapter 7, Laws of 1987 1st ex. sess. (uncodified); and declaring an emergency.

## MOTION

On motion of Senator Bauer, the rules were suspended, Senate Bill No. 6086 was advanced to second reading and placed on the second reading calendar.

## MOTION

At 12:47 p.m., on motion of Senator Bauer, the Senate recessed until 1:45 p.m.

## AFTERNOON SESSION

The Senate was called order at 1:45 p.m. by President Cherberg.

## INTRODUCTION AND FIRST READING

SB 6088 by Senator Conner

AN ACT Relating to jurisdiction over Quileute tribal lands; amending RCW 37.12.100, 37.12.110, 37.12.120, and 37.12.140; and adding a new section to chapter 37.12 RCW.

Referred to Committee on Judiciary.

SB 6089 by Senator Conner

AN ACT Relating to the hotel-motel tax imposed by cities and counties; and amending RCW 67.28.210.

Referred to Committee on Ways and Means.

SB 6090 by Senator Conner

AN ACT Relating to use of public lands managed by the department of natural resources; and adding a new section to chapter 79.08 RCW.

Referred to Committee on Natural Resources.

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

## MESSAGE FROM THE HOUSE

October 10, 1987

Mr. President:

The House has passed HOUSE BILL NO. 1264 and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

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

## INTRODUCTION AND FIRST READING OF HOUSE BILL

HB 1264 by Representatives Ebersole, Betrozoff, Grimm, Holland, Lewis, Patrick, Padden, B. Williams, McLean, Walk, Jacobsen and Lux (by request of Governor Gardner)

Clarifying the staff-mix factor in the allocation formulas for salaries for instructional certificated employees.

## MOTIONS

On motion of Senator Bauer, the rules were suspended, House Bill No. 1264 was advanced to second reading and read the second time.

On motion of Senator Gaspard, the rules were suspended, House Bill No. 1264 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 1264.

## MOTION

On motion of Senator Zimmerman, Senator West was excused.

## ROLL CALL

The Secretary called the roll on final passage of House Bill No. 1264 and the bill passed the Senate by the following vote: Yeas, 40; excused, 9.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Niemi, Owen, Pullen, Rasmussen, Rinehart, Sellar, Smitherman, Talmadge, Tanner, Vogtild, Warnke, Wojahn, Zimmerman - 40.

Excused: Senators Craswell, Hayner, Moore, Patterson, Saling, Stratton, von Reichbauer, West, Williams - 9.

HOUSE BILL NO. 1264, having received the 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

At 2:01 p.m., on motion of Senator Bauer, the Senate recessed until 3:00 p.m.

## SECOND AFTERNOON SESSION

The Senate was called to order at 4:11 p.m. by President Cherberg.

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

## MESSAGES FROM THE HOUSE

October 10, 1987

Mr. President:

The Speaker has signed SENATE CONCURRENT RESOLUTION BILL NO. 8422 and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

October 10, 1987

Mr. President:

The Speaker has signed HOUSE BILL NO. 1264 and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

## SIGNED BY THE PRESIDENT

The President signed:  
HOUSE BILL NO. 1264.

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

MESSAGES FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENTS

June 2, 1987

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

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

Phillip T. Bork, reappointed June 2, 1987, for a term ending June 17, 1993, as a member of the Board of Industrial Insurance Appeals.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Commerce and Labor.

June 12, 1987

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

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

Charles C. Clarke, appointed June 12, 1987, for a term ending at the pleasure of the Governor, as Director of the Department of Community Development.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Governmental Operations.

June 15, 1987

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

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

Joseph A. Dear, appointed July 1, 1987, for a term ending at the pleasure of the Governor, as Director of the Department of Labor and Industries.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Commerce and Labor.

June 12, 1987

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

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

Sara T. Harmon, appointed June 12, 1987, for a term ending June 17, 1991, as Chair of the Board of Industrial Insurance Appeals.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Commerce and Labor.

June 1, 1987

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

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

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

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Commerce and Labor.

May 28, 1987

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

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

Phyllis G. Keeney, appointed May 28, 1987, for a term ending September 30, 1988, as a member of the Board of Trustees for Seattle Community College District No. 6.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Education.

June 12, 1987

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

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

John C. McGlenn, appointed June 12, 1987, for a term ending January 19, 1993, as a member of the Wildlife Commission.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Natural Resources.

June 15, 1987

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

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

Coralee Mattingly, appointed June 15, 1987, for a term ending September 30, 1988, as a member of the Board of Trustees for Yakima Valley Community College District No. 16.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Education.

June 1, 1987

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

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

Lawrence E. Sanford, reappointed June 1, 1987, for a term ending April 3, 1991, as a member of the State Board for Community College Education.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Education.

May 13, 1987

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

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

Earlyse A. Swift, reappointed May 13, 1987, for a term ending September 30, 1988, as a member of the Board of Trustees for Centralia Community College District No. 12.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Education.

June 15, 1987

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

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

Harvey Vernier, appointed June 15, 1987, for a term ending September 30, 1988, as a member of the Board of Trustees for Central Washington University.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Education.

June 15, 1987

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

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

Vivian Winston, reappointed June 15, 1987, for a term ending June 30, 1991, as a member of the Higher Education Coordinating Board.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Education.

July 18, 1987

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

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

Robert J. Anderson, appointed July 18, 1987, for a term ending July 1, 1989, as a member of the Board of Trustees for the State School for the Blind.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Education.

July 17, 1987

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

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

Mitchell Bower, Jr., appointed July 17, 1987, for a term ending April 30, 1991, as a member of the State Board for Community College Education.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Education.

July 7, 1987

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

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

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

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Commerce and Labor.

July 16, 1987

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

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

Joseph H. Davis, appointed July 16, 1987, for a term ending June 16, 1990, as a member of the Commission on Judicial Conduct.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Judiciary.

June 20, 1987

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

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

Richard A. Davis, appointed July 1, 1987, for a term ending at the pleasure of the Governor, as Director of the Office of Financial Management.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Ways and Means.

July 16, 1987

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

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

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Judiciary.

July 16, 1987

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

James T. Henning, appointed July 16, 1987, for a term ending June 30, 1993, as a member of the Transportation Commission.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Transportation.

June 30, 1987

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

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

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Transportation.

July 29, 1987

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Jan Kumasaka, appointed July 29, 1987, for a term ending June 17, 1992, as a member of the Human Rights Commission.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Judiciary.

July 18, 1987

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Garold LaBorde, appointed July 18, 1987, for a term ending July 1, 1992, as a member of the Board of Trustees for the State School for the Blind.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Education.

July 18, 1987

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

John F. Naddy, III, appointed July 18, 1987, for a term ending July 1, 1991, as a member of the Board of Trustees for the State School for the Blind.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Education.

July 29, 1987

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

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

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

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Commerce and Labor.

June 26, 1987

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

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

Robert Richardson, appointed July 2, 1987, for a term ending July 1, 1993, as a member of the Higher Education Personnel Board.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Education.

July 18, 1987

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

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

Bonnie Robertson, appointed July 18, 1987, for a term ending July 1, 1992, as a member of the Board of Trustees for the State School for the Blind.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Education.

July 27, 1987

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

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

H. Jon Runstad, appointed July 27, 1987, for a term ending September 30, 1992, as a member of the Board of Regents for the University of Washington.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Education.

July 17, 1987

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

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

Sally G. Schaefer, appointed July 17, 1987, for a term ending September 30, 1990, as a member of the Board of Trustees for Clark Community College District No. 14.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Education.

July 27, 1987

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

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

W. Hunter Simpson, reappointed July 27, 1987, for a term ending September 30, 1992, as a member of the Board of Regents for the University of Washington.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Education.

August 6, 1987

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

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

John A. Steffens, appointed August 6, 1987, for a term ending June 30, 1991, as a member of the Housing Finance Commission.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Governmental Operations.

August 6, 1987

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

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

Anne H. Rose, reappointed August 6, 1987, for a term ending June 30, 1991, as a member of the Housing Finance Commission.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Governmental Operations.

August 6, 1987

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

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

Charles Richmond, reappointed August 6, 1987, for a term ending June 30, 1991, as a member of the Housing Finance Commission.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Governmental Operations.

August 22, 1987

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

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

Marjorie Redman, reappointed August 22, 1987, for a term ending July 15, 1991, as a member of the Puget Sound Water Quality Authority.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Parks and Ecology.

August 6, 1987

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

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



Nanci C. Primley, reappointed August 6, 1987, for a term ending June 30, 1991, as a member of the Housing Finance Commission.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Governmental Operations.

August 7, 1987

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

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

A. J. "Bud" Pardini, appointed September 8, 1987, for a term ending January 1, 1993, as a member of the Utilities and Transportation Commission.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Energy and Utilities.

September 5, 1987

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

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

Brad Owen, reappointed September 5, 1987, for a term ending June 12, 1991, as a member of the Pacific Marine Fisheries Commission.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Natural Resources.

September 4, 1987

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

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

Sharon Mast, appointed September 4, 1987, for a term ending June 16, 1991, as an alternate member of the Commission on Judicial Conduct.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Judiciary.

August 10, 1987

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

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

Grace L. Lynch, appointed August 10, 1987, for a term ending September 30, 1989, as a member of the Board of Trustees for Wenatchee Valley Community College District No. 15.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Education.

August 22, 1987

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

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

John Ladenburg, appointed August 22, 1987, for a term ending August 2, 1990, as a member of the Sentencing Guidelines Commission.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Judiciary.

August 22, 1987

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

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

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

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Judiciary.

August 10, 1987

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

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

Myrna J. Emerick, appointed August 10, 1987, for a term ending September 30, 1988, as a member of the Board of Trustees for Lower Columbia Community College District No. 13.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Education.

August 22, 1987

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

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

Anne L. Ellington, reappointed August 22, 1987, for a term ending August 2, 1990, as a member of the Sentencing Guidelines Commission.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Judiciary.

September 4, 1987

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

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

Dale Brighton, appointed September 4, 1987, for a term ending June 16, 1990, as an alternate member of the Commission on Judicial Conduct.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Judiciary.

August 6, 1987

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

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

David Ballaine, reappointed August 6, 1987, for a term ending June 30, 1991, as a member of the Housing Finance Commission.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Governmental Operations.

September 5, 1987

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

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

Robert D. Alverson, reappointed September 5, 1987, for a term ending June 12, 1991, as a member of the Pacific Marine Fisheries Commission.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Natural Resources.

June 30, 1987

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Marjorie Trevarthen, appointed June 30, 1987, for a term ending July 1, 1992, as a member of the Board of Trustees for the State School for the Deaf.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Education.

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

#### MESSAGE FROM THE HOUSE

October 10, 1987

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 6085 with the following amendments.

On page 10, line 10, after "from" strike everything through "discharges" on line 11 and insert "any person owning or controlling the material released, or from any person otherwise responsible for the releases"

On page 42, on line 34, delete "nine hundred sixty-six" and insert "six hundred eighty-one"

On page 43, beginning on line 9, delete all material through "grants." on line 10 and insert: "(3) \$340,000, or so much thereof as may be necessary, shall be used to provide technical assistance to local governments in accordance with RCW 70.105.170 and 70.105.255, and for local planning grants as provided in RCW 70.105.220 and 70.105.235(1) (a), (b), and (c):

(4) \$311,000, or so much thereof as may be necessary, shall be used for solid waste management activities including, but not limited to: (a) State and local solid waste enforcement; (b) development and dissemination of technical assistance information for local governments regarding proper management and disposal of solid waste in accordance with RCW 70.95.100 and 70.95.263(2); and (c) local planning grants as provided in RCW 70.95.130."

On page 44, line 12, delete "four hundred" and insert "six hundred eighty-five"

On page 44, beginning on line 15, delete all material through page 44, line 26 and insert: "(1) \$936,000, or so much thereof as may be necessary, shall be expended for local solid waste enforcement grants."

Renumber the remaining subsection..

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

Senator Kreidler moved that the Senate do concur in the House amendments to Engrossed Senate Bill No. 6085.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Kreidler that the Senate do concur in the House amendments to Engrossed Senate Bill No. 6085.

The motion by Senator Kreidler carried and the Senate concurred in the House amendments to Engrossed Senate Bill No. 6085.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 6085, as amended by the House.

#### MOTIONS

On motion of Senator Zimmerman, Senators Barr, Benitz, Deccio, Lee and McDonald were excused.

On motion of Senator Bender, Senator Conner was excused.

## ROLL CALL

The Secretary called the roll on final passage Engrossed Senate Bill No. 6085, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 27; nays, 8; excused, 14.

Voting yea: Senators Anderson, Bailey, Bauer, Bender, Bluechel, Bottiger, Cantu, DeJarnatt, Fleming, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, McMullen, Metcalf, Nelson, Newhouse, Owen, Rasmussen, Sellar, Smitherman, Tanner, Vognild, Warnke, Zimmerman - 27.

Voting nay: Senators Garrett, McCaslin, Niemi, Pullen, Rinehart, Talmadge, West, Wojahn - 8.

Excused: Senators Barr, Benitz, Conner, Craswell, Deccio, Hayner, Lee, McDonald, Moore, Patterson, Saling, Stratton, von Reichbauer, Williams - 14.

ENGROSSED SENATE BILL NO. 6085, 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 President advanced the Senate to the fifth order of business.

## INTRODUCTION AND FIRST READING

SB 6087 by Senators Gaspard, Rinehart, Warnke, Smitherman, Garrett, Wojahn, Fleming, Bauer, DeJarnatt, Bender, Kiskaddon and Johnson

AN ACT Relating to salary allocations for certificated instructional employees; amending RCW 28A.41,---; amending section 503, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 504, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 505, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 507, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 508, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 509, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 511, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 513, chapter 7, Laws of 1987 1st ex. sess. (uncodified); and declaring an emergency.

Referred to Committee on Ways and Means.

## MOTION

On motion of Senator Vognild, Senate Bill No. 6086 which was placed on the second reading calendar earlier today, was referred to the Committee on Rules.

## SIGNED BY THE PRESIDENT

The President signed:  
SENATE BILL NO. 6085.

At 4:30 p.m., the President declared the Senate to be at ease.  
The Senate was called to order at 4:47 p.m. by President Cherberg.

COMMITTEE FROM THE HOUSE NOTIFYING  
THE SENATE OF ADJOURNMENT SINE DIE

The Sergeant at Arms announced the arrival of the committee from the House consisting of Representatives Hargrove and Miller. The committee appeared before the bar of the Senate to notify the Senate that the House is about to adjourn SINE DIE.

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

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

## MESSAGE FROM THE HOUSE

October 10, 1987

Mr. President:

The House has adopted HOUSE CONCURRENT RESOLUTION BILL NO. 4424, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

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

## INTRODUCTION AND FIRST READING OF HOUSE BILL

HCR 4424 by Representatives Ebersole and Ballard

Providing for adjournment of the third special session of the legislature.

## MOTIONS

On motion of Senator Bauer, the rules were suspended, House Concurrent Resolution No. 4424 was advanced to second reading and read the second time.

On motion of Senator Bauer, the rules were suspended, House Concurrent Resolution No. 4424 was advanced to third reading, the second reading considered the third and the resolution was adopted.

APPOINTMENT OF SPECIAL COMMITTEE TO NOTIFY  
THE GOVERNOR OF ADJOURNMENT SINE DIE

Under provisions of House Concurrent Resolution No. 4424, the President appointed Senators Fleming and Vognild from the Senate to join a like committee from the House to notify the Governor that the Legislature is about to adjourn SINE DIE.

## MOTION

On motion of Senator Bauer, the committee appointments were confirmed.

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

## MOTION

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

## SENATE RESOLUTION 1987-8695

by Senators Vognild, Fleming, Hayner and Sellar

BE IT RESOLVED, By the Senate, That a committee consisting of four members of the Senate be appointed to notify the House that the Legislature is about to adjourn SINE DIE.

APPOINTMENT OF SPECIAL COMMITTEE TO NOTIFY  
HOUSE OF ADJOURNMENT SINE DIE

Under the provisions of Senate Resolution 1987-8695, the President appointed Senator Bauer and Secretary of the Senate, Sid Snyder, to notify the House that the Senate is ready to adjourn SINE DIE.

## MOTION

On motion of Senator Bauer, the committee appointments were confirmed. The committee retired to the House of Representatives.

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

## MESSAGE FROM THE HOUSE

October 10, 1987

Mr. President:

The Speaker has signed SENATE BILL NO. 6085, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

REPORT OF SPECIAL COMMITTEE APPOINTED NOTIFYING  
HOUSE OF ADJOURNMENT SINE DIE

The Sergeant at Arms announced the return of the special committee, composed of Senator Bauer and Secretary of the Senate, Sid Snyder, who were appointed under the provisions of Senate Resolution 1987-8695. The committee reported they had notified the House that the Senate is ready to adjourn SINE DIE.

The report was received and the committee was discharged.

At 5:00 p.m., the President declared the Senate to be at ease.

The Senate was called to order at 5:03 p.m. by President Cherberg.

MESSAGE FROM THE HOUSE

October 10, 1987

Mr. President:

The Speaker has signed HOUSE CONCURRENT RESOLUTION NO. 4424, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

HOUSE CONCURRENT RESOLUTION NO. 4424.

REPORT OF SPECIAL COMMITTEE APPOINTED TO NOTIFY  
THE GOVERNOR OF ADJOURNMENT SINE DIE

The Sergeant at Arms announced the return of the special committee composed of Senators Fleming and Vognild who were appointed under the provisions of House Concurrent Resolution No. 4424. The committee reported they joined with a like committee from the House and notified the Governor that the Legislature is about to adjourn SINE DIE.

The report was received and the committee was discharged.

MOTION

On motion of Senator Bauer, the Senate Journal for the first day of the 1987 Third Special Session of the Fiftieth Legislature was approved.

MOTION

At 5:05 p.m., on motion of Senator Bauer, the 1987 Third Special Session of the Fiftieth Legislature adjourned SINE DIE.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

**SENATE ROSTER  
AND  
COMMITTEE ASSIGNMENTS**

**1987 — SENATE ROSTER**  
**FIFTIETH LEGISLATURE**

Name of Member	Dis- trict	Poli- tics	County	Mailing Address
Anderson, Ann	42	R	Whatcom, part	P.O. Box 128 Acme 98220
Bailey, Cliff	39	R	Snohomish, part	13019 99th Avenue S.E. Snohomish 98290 <u>District Office:</u> 902-1/2 1st St., Suite 8 Snohomish 98290
Barr, Scott	7	R	Lincoln Pend Oreille Stevens Ferry Okanogan, part Spokane, part	Route 1, Box 130 Edwall 99008
Bauer, Albert	49	D	Clark, part	13611 N.E. 20th Avenue Vancouver 98686
Bender, Rick S.	44	D	King, part Snohomish, part	<u>Mail:</u> 402A John Cherberg Bldg Olympia 98504 <u>Home Address:</u> 16029 Simonds Rd. NE Bothell 98011
Benitz, Max E.	8	R	Benton, part	Route 2, Box 2521 Prosser 99350
Bluechel, Alan	45	R	King, part	9901 N.E. 124th #505 Kirkland 98034
Bottiger, R. Ted	2	D	Pierce, part Thurston, part	8849 Pacific Avenue Tacoma 98444
Cantu, Emilio	41	R	King, part	4416 138th Ave. S.E. Bellevue 98006
Conner, Paul H.	24	D	Clallam Jefferson Grays Harbor, part	195 Pinnell Road Sequim 98382
Craswell, Ellen	23	R	Kitsap, part	8066 Chico Way N.W. Bremerton 98312
Deccio, Alex A.	14	R	Yakima, part	P.O. Box 1343 Yakima 98907
DeJarnatt, Arlie U.	19	D	Cowlitz, part Grays Harbor, part Pacific Wahkiakum	7401 Willow Grove Road Longview 98632 <u>District Office:</u> <u>P.O. Box 552</u> South Bend 98586-0552
Fleming, George	37	D	King, part	<u>Mail:</u> 312 Legislative Bldg. Olympia 98504 <u>Home Address:</u> 1100 Lake Wash. Blvd. S. Seattle 98144



Age	Birthplace	Occupation	Previous Legislative Sessions Served	
			Senate	House
35	Washington	Accountant	.....	.....
60	Washington	Farmer	1985-1986	.....
70	Washington	Grain, Cattle and Timber Producer, Semi-Retired	1983-1986	1977-1982
58	Montana	Retired Teacher - Farmer	1981-1986	1971-1980
37	Alaska	Gen. Contractor/ Home Builder	1983-1986	1973-1982
70	Kansas	Agri-business	1975-1986	1969-1974
62	Alberta, Canada	President, Loctwall Corp.	1975-1986	1967-1974
54	Washington	Attorney	1973-1986	1965-1972
60	Texas	Professional Engineer	1985-1986	1981-1984
61	Washington	Longshoreman	Appt. July 1957 1957-1959 Elected Nov. 1977-1986	1959-1977
54	Washington	Housewife	1981-1986	1977-1980
	Washington	Insurance Broker	1981-1986	1975-1980
63	Indiana	Retired Educator	1985-1986	1961-1970
48	Texas	Community Affairs Mgr., PNB	1971-1986	1969-1970

## JOURNAL OF THE SENATE

Name of Member	Dis- trict	Poli- tics	County	Mailing Address
Garrett, Avery	11	D	King, part	602 S.W. Langston Road Renton 98055
Gaspard, Marcus S.	25	D	Pierce, part	8220 191st Ave. E. Sumner 98390
Halsan, Stuart A. "Stu"	20	D	Lewis Thurston, part	407-B Legislative Bldg. Olympia 98504
Hansen, Frank "Tub"	13	D	Adams, part Kittitas, part Grant, part Yakima, part	Star Route, Box 73 Moses Lake 98837
Hayner, Jeannette	16	R	Franklin, part Walla Walla Benton, part	Box 454 Walla Walla 99362
Johnson, Stanley C.	28	R	Pierce, part	7302 66th Ave. W. Tacoma 98467
Kiskaddon, Bill	1	R	King, part Snohomish, part	4404 242nd Pl. S.W. Mountlake Terrace 98043
Kreidler, Mike	22	D	Thurston, part	425 John Cherberg Bldg. Olympia 98504
Lee, Eleanor	33	R	King, part	P.O. Box 309 Seahurst 98062
McCaslin, Bob	4	R	Spokane, part	So. 1003 Pines Road Spokane 99206
McDermott, Jim (resigned 7/24/87)		D	King, part	1650 22nd Avenue E. Seattle 98112
McDonald, Dan	48	R	King, part	4650 92nd N.E. Bellevue 98004
McMullen, Patrick R. (appointed 10/1/87)	40	D	San Juan Skagit, part Whatcom, part	P.O. Box 152 Sedro Woolley 98284
Metcalf, Jack	10	R	Island Snohomish, part Skagit, part	3273 Saratoga Road Langley 98260
Moore, Ray	36	D	King, part	1722 Bigelow No. Seattle 98109
Nelson, Gary A.	21	R	Snohomish, part	9710 Wharf Street Edmonds 98020
Newhouse, Irv	15	R	Benton, part Yakima, part	Route 1, Box 130 Mabton 98935

## 1987 — SENATE ROSTER—continued

Age	Birthplace	Occupation	Previous Legislative Sessions Served	
			Senate	House
70	Georgia	Retired	1985-1986	1959-1969 Appt. 12/9/77-1984
38	Washington	Real Estate & Property Mgmt.	1977-1986	1973-1976
34	Washington	Attorney	1985-1986	1983-1984
73	Washington	Retired Cattle Rancher & Farmer	1979-1986	1973-1978
67	Oregon	Lawyer	1977-1986	1973-1977
56	Minnesota	Owner/Pres. Gerrish Brg. & Indust. Supplies, Inc.	1985-1986	Elected 11/4/80 Sworn in 11/21/80 1980-1984
57	California	Counselor and Therapist	1981-1986	1967-1972
43	Washington	Optometrist	1985-1986	1977-1984
55	Illinois	Business Mgr. & Director, Mfg. Rep. Firm	Elected Nov. 1977-1986	1975-1977
60	Ohio	Real Estate Broker	1981-1986	.....
50	Illinois	Physician	1975-1986	1971-1972
43	Washington	Mech. Engineer/ Economist	Appt. Sept. 1983 1983-1986	1979-1983
42	Washington	Attorney	.....	1983-1986
59	Washington	Retired Teacher	1967-1974 1981-1986	1961-1964
75	Washington	Securities Broker	1979-1986	.....
50	Washington	Staff Manager Private Utility	.....	1973-1986
66	Washington	Farmer	Appt. 1980, 1981-1986	1965-1979

JOURNAL OF THE SENATE

---

Name of Member	Dis- trict	Poli- tics	County	Mailing Address
Niemi, Janice (appointed 9/19/87)	43	D	King, part	226 Summit Avenue E. Seattle 98102
Owen, Brad	35	D	Mason Kitsap, part Thurston, part Grays Harbor, part	402B John Cherberg Bldg. Olympia 98504
Patterson, E. G. "Pat"	9	R	Asotin Columbia Garfield Whitman Adams, part Franklin, part	N.E. 400 Campus Pullman 99163
Peterson, Lowell (resigned 9/1/87)		D	San Juan Skagit, part Whatcom, part	122 North 21st Mt. Vernon 98273
Pullen, Kent	47	R	King, part	22844 172nd Avenue S.E. Kent 98042
Rasmussen, A. L. "Slim"	29	D	Pierce, part	5415 "A" Street Tacoma 98408
Rinehart, Nita	46	D	King, part	4515 51st Avenue N.E. Seattle 98105
Saling, Gerald L. (Jerry)	5	R	Spokane, part	12515 No. Fairwood Dr. Spokane 99218
Sellar, George L.	12	R	Chelan Douglas Grant, part Kittitas, part Okanogan, part	1324 Terrace Drive East Wenatchee 98801
Smitherman, Bill	26	D	Kitsap, part Pierce, part	405 John Cherberg Bldg. Olympia 98504
Stratton, Lois J.	3	D	Spokane, part	1724 West Mansfield Spokane 99205
Talmadge, Phil	34	D	King, part	1725 S.W. Roxbury, #5 Seattle 98106
				Note: The above address is the district office.
Tanner, Joe	18	D	Clark, part Cowlitz, part	16121 NE 35th Avenue Ridgefield 98642
Vognild, Larry L.	38	D	Snohomish, part	1710 32nd Street Everett 98201

## 1987 — SENATE ROSTER—continued

Age	Birthplace	Occupation	Previous Legislative Sessions Served	
			Senate	House
58	Michigan	Attorney	.....	1983-1986
36	Washington	Small Businessman	1983-1986	Elected 11/2/76-1982
67	Washington	Retired WSU Administrator	1981-1986	1973-1980
65	Washington	Oil Distributor	1965-1986	.....
44	Texas	Research Engineer	1975-1986	1973-1974
77	Washington	Retired	1961-1967 Appt. Oct. 1971 1971-1986	1945-1960
46	Texas	Legislator	1983-1986	Appt. 11/6/79 Elected 11/80 1981-1982
58	Washington	Retired Educator	1985-1986	1965-1971
58	Illinois	Port of Chelan County, Director of Water Resources	Appt. 1/7/72 1972-1986	.....
43	Oklahoma	Mgmt-Planning Consultant	Elected 11/4/86 Sworn in 12/22/86	1983-1986
60	Washington	Retired	1985-1986	Appt. 1979 Elected 1980- 1984
34	Washington	Attorney	1979-1986	.....
40	Texas	Pres., Columbia Eco. Dev. Council	Appt. 12/12/86	1983-1986
55	Washington	Ret.-Everett Fire Dept., Small Business Owner (Ret.)	1979-1986	.....

JOURNAL OF THE SENATE

---

Name of Member	Dis- trict	Poli- tics	County	Mailing Address
von Reichbauer, Peter	30	R	King, part Pierce, part	P. O. Box 3737 Federal Way 98063-3737
Warnke, Frank J.	31	D	King, part Pierce, part	29457 51st Avenue South Auburn 98002
West, James E.	6	R	Spokane, part	P. O. Box 2792 Spokane 99220-0792
Williams, Al	32	D	King, part	4801 Fremont Ave. No. Seattle 98103
Wojahn, R. Lorraine	27	D	Pierce, part	3592 East "K" St. Tacoma 98404
Zimmerman, Hal	17	R	Klickitat Skamania Clark, part	1432 N.E. 6th Avenue Camas 98607
Cherberg, John A.		D	President of the Senate	304 Legislative Building Olympia 98504
Snyder, Sid		D	Secretary of the Senate	P.O. Box 531 Long Beach 98631
Gleason, Bill		D	Assistant Secretary of the Senate	611 No. "C" St. Tacoma 98403
Scarpelli, O. F. "Ole"		D	Sergeant at Arms	6345 6th Avenue N.E. Seattle 98115

## 1987 — SENATE ROSTER—continued

Age	Birthplace	Occupation	Previous Legislative Sessions Served	
			Senate	House
41	Washington	Investment Management	1974-1986	.....
53	Montana	Labor Relations Director	1983-1986	1965-1967 1973-1982
36	Oregon	President/Manager JWAV, Ltd.	.....	1983-1986
56	North Dakota	Architect	Appt. 1/27/78 1979-1986	1970-1977
66	Washington	.....	1977-1986	1969-1976
63	North Dakota	Newspaper Columnist	1981-1986	1967-1980
76	Florida	Lieutenant Governor	Elected 1957 1957-1986	.....
60	Washington	Supermarket Owner and Operator	Elected 5/12/69 1969-1986	Assistant Chief Clerk or Acting Chief Clerk 1957 to May, 1969
46	Washington	Professional	Appt. 1971 1971-1981 1983-1986	.....
65	Washington	Real Estate Broker	1983-1986	.....





**Membership of  
Senate Standing Committees  
1987**

AGRICULTURE (6) — Hansen, Chair; Bauer, Vice Chair; Anderson, Bailey, \*Barr, Gaspard.

COMMERCE AND LABOR (11) — Warnke, Chair; Smitherman, Vice Chair; Anderson, Cantu, \*Lee, Sellar, Tanner, Vognild, West, Williams, Wojahn.

EDUCATION (11) — Gaspard, Chair; Bauer, Vice Chair; Rinehart, Vice Chair; \*Bailey, Bender, Benitz, Craswell, Patterson, Saling, Smitherman, Warnke.

ENERGY AND UTILITIES (7) — Williams, Chair; Owen, Vice Chair; \*Benitz, Cantu, Nelson, Smitherman, Stratton (Chair - Nuclear Waste Transportation Subcommittee).

FINANCIAL INSTITUTIONS (8) — Moore, Chair; Bender, Vice Chair; Bottiger, Fleming, McDermott, Metcalf, \*Pullen, von Reichbauer.

GOVERNMENTAL OPERATIONS (7) — Halsan, Chair; Garrett, Vice Chair; DeJarnatt, McCaslin, Pullen, Talmadge, \*Zimmerman.

HUMAN SERVICES AND CORRECTIONS (9) — Wojahn, Chair; Stratton, Vice Chair; Anderson, Deccio, Johnson, \*Kiskaddon, Kreidler, Peterson, Tanner.

JUDICIARY (7) — Talmadge, Chair; Halsan, Vice Chair; Bottiger, McCaslin, Moore, \*Nelson, Newhouse.

NATURAL RESOURCES (11) — Owen, Chair; DeJarnatt, Vice Chair; Barr, Conner, \*Craswell, McDonald, Metcalf, Patterson, Peterson, Rasmussen, Stratton.

PARKS AND ECOLOGY (5) — Kreidler, Chair; Rinehart, Vice Chair; \*Bluechel, Hansen, Kiskaddon.

RULES (15) — Cherberg, Chair; Rasmussen, Vice Chair; Bauer, Bender, Benitz, Bottiger, Conner, Fleming, Garrett, \*Hayner, Newhouse, Sellar, Vognild, von Reichbauer, Zimmerman.

TRANSPORTATION (17) — Peterson, Chair; Hansen, Vice Chair (East); Tanner, Vice Chair (West); Bailey, Barr, Bender, Conner, DeJarnatt, Garrett, Halsan, Johnson, Nelson, \*Patterson, Sellar, Smitherman, von Reichbauer, West.

WAYS AND MEANS (23) — McDermott, Chair; Gaspard, Vice Chair; Bauer, Bluechel, Cantu, Craswell, Deccio, Fleming, Hayner, Kreidler, Lee, \*McDonald, Moore, Owen, Rasmussen, Rinehart, Saling, Talmadge, Vognild, Warnke, Williams, Wojahn, Zimmerman.

**Member Assignments to  
Senate Standing Committees  
1987**

- ANDERSON, Ann — Agriculture, Commerce and Labor, Human Services and Corrections.
- BAILEY, Cliff — Agriculture, \*Education, Transportation.
- BARR, Scott — \*Agriculture, Natural Resources, Transportation.
- BAUER, Albert — Agriculture, Vice Chair; Education, Vice Chair; Rules, Ways and Means.
- BENDER, Rick S. — Financial Institutions, Vice Chair; Education, Rules, Transportation.
- BENITZ, Max E. — Education, \*Energy and Utilities, Rules.
- BLUECHEL, Alan — \*Parks and Ecology, Ways and Means.
- BOTTIGER, R. Ted — Financial Institutions, Judiciary, Rules.
- CANTU, Emilio — Commerce and Labor, Energy and Utilities, Ways and Means.
- CONNER, Paul H. — Natural Resources, Rules, Transportation.
- CRASWELL, Ellen — Education, \*Natural Resources, Ways and Means.
- DECCIO, Alex A. — Human Services and Corrections, Ways and Means.
- DeJARNATT, Arlie U. — Natural Resources, Vice Chair; Governmental Operations, Transportation.
- FLEMING, George — Financial Institutions, Rules, Ways and Means.
- GARRETT, Avery — Governmental Operations, Vice Chair; Rules, Transportation.
- GASPARD, Marcus S. — Education, Chair; Ways and Means, Vice Chair; Agriculture.
- HALSAN, Stuart A. "Stu" — Governmental Operations, Chair; Judiciary, Vice Chair; Transportation.
- HANSEN, Frank "Tub" — Agriculture, Chair; Transportation, Vice Chair (East); Parks and Ecology.
- HAYNER, Jeannette — \*Rules, Ways and Means.
- JOHNSON, Stanley C. — Human Services and Corrections, Transportation.
- KISKADDON, Bill — \*Human Services and Corrections, Parks and Ecology.
- KREIDLER, Mike — Parks and Ecology, Chair; Human Services and Corrections, Ways and Means.
- LEE, Eleanor — \*Commerce and Labor, Ways and Means.
- McCASLIN, Bob — Governmental Operations, Judiciary.
- McDERMOTT, Jim — Ways and Means, Chair; Financial Institutions.
- MCDONALD, Dan — Natural Resources, \*Ways and Means.
- METCALF, Jack — Financial Institutions, Natural Resources.
- MOORE, Ray — Financial Institutions, Chair; Judiciary, Ways and Means.
- NELSON, Gary A. — Energy and Utilities, \*Judiciary, Transportation.
- NEWHOUSE, Irv — Judiciary, Rules.
- OWEN, Brad — Natural Resources, Chair; Energy and Utilities, Vice Chair; Ways and Means.
- PATTERSON, E. G. "Pat" — Education, Natural Resources, \*Transportation.
- PETERSON, Lowell — Transportation, Chair; Human Services and Corrections, Natural Resources.
- PULLEN, Kent — \*Financial Institutions, Governmental Operations.
- RASMUSSEN, A. L. "Slim" — Rules, Vice Chair; Natural Resources, Ways and Means.
- RINEHART, Nita — Education, Vice Chair; Parks and Ecology, Vice Chair; Ways and Means.
- SALING, Gerald L. (Jerry) — Education, Ways and Means.
- SELLAR, George L. — Commerce and Labor, Rules, Transportation.
- SMITHERMAN, Bill. — Commerce and Labor, Vice Chair; Education, Energy and Utilities, Transportation.
- STRATTON, Lois J. — Human Services and Corrections, Vice Chair; Energy and Utilities (Nuclear Waste Transportation Subcommittee, Chair), Natural Resources.
- TALMADGE, Phil — Judiciary, Chair; Governmental Operations, Ways and Means.
- TANNER, Joe — Transportation, Vice Chair (West); Commerce and Labor, Human Services and Corrections.

- VOGNILD, Larry L. — Commerce and Labor, Rules, Ways and Means.  
von REICHBAUER, Peter — Financial Institutions, Rules, Transportation.  
WARNKE, Frank J. — Commerce and Labor, Chair; Education, Ways and Means.  
WEST, James E. — Commerce and Labor, Transportation.  
WILLIAMS, Al — Energy and Utilities, Chair; Commerce and Labor, Ways and Means.  
WOJAHN, R. Lorraine — Human Services and Corrections, Chair; Commerce and Labor, Ways and Means.  
ZIMMERMAN, Hal — \*Governmental Operations, Rules, Ways and Means.

GOVERNOR'S MESSAGE ON SENATE BILL  
SIGNED AFTER ADJOURNMENT  
1987 THIRD SPECIAL SESSION

October 16, 1987

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

I have the honor to advise you that on October 16, 1987, Governor Gardner approved the following Senate Bill entitled:

Senate Bill No. 6085

Relating to the environment.

Sincerely,  
Terry Sebring, Legal Counsel to the Governor

GOVERNOR'S MESSAGES ON SENATE BILLS  
VETOED AND PARTIALLY VETOED

1987 REGULAR AND FIRST SPECIAL SESSION

April 25, 1987

To the Honorable, the Senate  
of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 143 and 214, Senate Bill No. 5017, entitled:

"AN ACT Relating to conforming the statutes involving district courts to reflect modern terminology and practices."

Sections 143 and 214 are identical to sections 4 and 18 of Senate Bill No. 5015. Since I have signed Senate Bill No. 5015, sections 143 and 214 of this bill are duplicative.

With the exceptions of sections 143 and 214, Senate Bill No. 5017 is approved.

Respectfully submitted,  
Booth Gardner, Governor

May 18, 1987

To the Honorable, the Senate  
of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval as to a portion of section 10(6), Engrossed Second Substitute Senate Bill No. 5074 entitled:

"AN ACT Relating to mental health."

I support the revisions of the involuntary commitment procedures. They will provide a more comprehensive approach to the treatment of mentally-ill adults in intensive and less restrictive settings.

However, the last sentence of section 10(6) which reads "In the event of a revocation of a less restrictive alternative treatment, the subsequent treatment period may be no longer than fourteen days", will cause the subsequent treatment period after a revocation to be restricted.

State hospitals would be required to file a new ninety day petition for persons whose original involuntary treatment plan was revoked and who require care beyond the fourteen day period. This would create a significant workload. Additionally, it would require a duplicative hearing process by mandating that a hearing on the new treatment plan be held in addition to the hearing revoking the existing plan.

With the exception of a portion of section 10(6), Engrossed Second Substitute Senate Bill No. 5074 is approved.

Respectfully submitted,  
Booth Gardner, Governor

May 18, 1987

To the Honorable, the Senate  
of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval, Substitute Senate Bill No. 5088, entitled:

"AN ACT Relating to custodial interference."

This bill would amend criminal provisions relating to custodial interference to include interference with visitation rights. First, while I believe non-custodial parents deserve fair treatment when their visitation rights are abused or denied, I am sensitive to those who are concerned that involving the police in settling non-violent visitation disputes is not the best approach. Police experience has shown that disputes over dates, times and conditions of child visitation are so common that any effort on behalf of the police to respond to calls for assistance in such disputes would very seriously affect police and sheriff department resources and ability to respond to life-threatening and criminal law situations. Police intervention should be reserved for when there are threats to the physical well-being of a child.

Secondly, there are remedies under existing law to protect "relatives", including parents, when their visitation rights are denied.

Third, Substitute House Bill No. 48, the Parenting Act, is intended to improve the way child custody is determined and will provide for an alternative dispute resolution process to settle parental disputes over such concerns as visitation. We need to give this new parenting/custody determination procedure in Substitute House Bill No. 48 a chance to work.

Substitute Senate Bill No. 5088 would also limit the current defense to a prosecution of custodial interference by adding several more conditions, all of which must be met. There are many who are concerned that this amendment narrows the defense to the degree that routine problems that cause a delay in delivering a child would subject parents to unnecessary criminal action. Furthermore, Substitute House Bill No. 48 provides for a civil action for custodial interference if either custodial or non-custodial parents interfere with custody or visitation.

For these reasons, I have vetoed Substitute Senate Bill No. 5088.

Respectfully submitted,  
Booth Gardner, Governor

May 11, 1987

To the Honorable, the Senate  
of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 1(2), Substitute Senate Bill No. 5113, entitled:

"AN ACT Relating to motor vehicle passenger safety device usage."

Substitute Senate Bill No. 5113 in section 1(1) provides that any anticipated change in losses that may be attributed to usage of seatbelts, child restraints, and other lifesaving devices should be reflected in the credits or discounts provided by automobile insurers. I endorse this idea.

Section 1(2) involves a double amendment and duplication to Substitute House Bill No. 920, section 1(3) and is identical. I have therefore vetoed section 1(2) to avoid duplication in the statute.

With the exception of section 1(2), Substitute Senate Bill No. 5113 is approved.

Respectfully submitted,  
Booth Gardner, Governor

May 18, 1987

To the Honorable, the Senate  
of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 4, Substitute Senate Bill No. 5123 entitled:

"AN ACT Relating to highway advertising control."

Section 4 waives the restriction that on-premise signs of facilities advertised on highway information panels extend less than fifteen feet above the roof of the building when those signs are not visible from the rural primary system and scenic system. In addition, these sections allow the Department of Transportation to waive the height restriction on a case-by-case basis even when a sign is visible from the roadway.

The purposes of highway sign restrictions are both safety related and aesthetic. An excess of signs visible from a highway leads to motorist confusion and distracts the driver from full attention to traffic. For this reason, the federal government and the state have adopted standards for the design, placement and purposes of signs in order to minimize unnecessary clutter.

Furthermore, the state has adopted the scenic highway system to "attract visitors to this state by conserving the natural beauty of areas adjacent to the interstate system, and of scenic areas adjacent to state highways upon which they travel in great numbers, and to ensure that information in the specific interest of the traveling public is presented safely and effectively" (RCW 47.42.010). To that end, the Legislature has provided guidance to the Department of Transportation for determining which types of signs meet with statutory intent.

Section 4 of this bill attempts to provide the Department with flexibility to meet the needs of businesses located along the state's highway systems. However, by allowing unrestricted waivers from the statutory height requirements, we may eventually thwart the purposes of sign restrictions. Without statutory guidance, the Department of Transportation is left without grounds for denial of waivers and may be forced to grant all such requests. I do not believe this outcome was intended.

With the exception of section 4, Substitute Senate Bill No. 5123 is approved.

Respectfully submitted,  
Booth Gardner, Governor

May 11, 1987

To the Honorable, the Senate  
of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 11, 16, 21(6) and 21(9), Substitute Senate Bill No. 5124, entitled:

"AN ACT Relating to impoundment and disposition of unauthorized, abandoned, junk, and other vehicles."

Sections 11, 16, 21(6) and 21(9) conflict with amendments to RCW 46.61.567, 46.55.170, RCW 46.61.563 and RCW 46.61.567, respectively, contained in sections 744, 741, 743 and 744 of Substitute House Bill No. 454. These sections are not vetoed for their substance, but are vetoed to avoid confusion with Substitute House Bill No. 454. Substitute Senate Bill No. 5124 specifies certain duties to be carried out by the state commission on equipment. The state commission on equipment is abolished under Substitute House Bill No. 454 and the commission's responsibilities are transferred to the Washington State Patrol.

References are made to the state commission on equipment in sections 11 and 16 of Substitute Senate Bill No. 5124. Substitute House Bill No. 454 establishes the Legislature's clear intention that the Washington State Patrol, and not the state commission on equipment, carry out the responsibilities set forth in the above-referenced sections of Substitute Senate Bill No. 5124.

With the exception of sections 11, 16, 21(6) and 21(9), Substitute Senate Bill No. 5124 is approved.

Respectfully submitted,  
Booth Gardner, Governor

May 18, 1987

To the Honorable, the Senate  
of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 2, Engrossed Substitute Senate Bill No. 5143, entitled:

"AN ACT Relating to exemption from public disclosure of the contents of public employment applications and the addresses and telephone numbers of natural persons."

This bill adds provisions to the public disclosure law to exempt from public inspection and copying applications for public employment, residential addresses and telephone numbers of employees and volunteers of a public agency, and residential addresses and telephone numbers of public utility customers. A separate section makes public employment and applications materials if the application is for an executive position.

I support the exemptions from disclosure for residential addresses and telephone numbers. Concerns have been raised regarding public safety where such information is available to the public. There appears to be no compelling public policy reason why this personal information should be generally available.

Under state law, personal information regarding public employees maintained in public agency files, is not disclosable if disclosure violates a right to privacy. Further, the Open Public Meetings Act (Chapter 42.30 RCW) allows public entities to evaluate qualifications of an applicant for public employment in an executive session, so long as the final hiring and salary setting is done in an open meeting. This bill would specifically exempt public employment applications,

resumes and other materials submitted from disclosure, unless the application is for an executive position.

Section 2 of the bill causes particular concern to me given the broad access to information about executive position job applicants. It would require disclosure of "all applications and resumes" of executive position applicants. Applications and resumes for this level of position by their nature must be very complete and thorough.

Most top executives are reluctant to jeopardize their present employment position and, more importantly, the relationships that go with that position, which would result from publicizing their application for another position. The disclosure requirement would seriously impact the size and, more importantly, the quality of the pool of applicants. I believe this is true of both the business world as well as the public sector world of executive employment.

I have vetoed section 2 because it will frustrate efforts by public elected and appointed officials and managers to recruit and hire the best at all levels of government. I remain committed to trying to attract the best people to public employment and feel this section would only frustrate the efforts of the many elected officials and managers who share this goal.

With the exception of section 2, Engrossed Substitute Senate Bill No. 5143 is approved.

Respectfully submitted,  
Booth Gardner, Governor

May 12, 1987

To the Honorable, the Senate  
of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 3, Substitute Senate Bill No. 5206 entitled:

"AN ACT Relating to superior court judges."

Section 3 of this bill requires the office of the administrator for the courts to conduct a weighted caseload analysis of Superior and District Court judge positions. Duplicate language is contained in section 6 of Engrossed Substitute House Bill No. 217.

With the exception of section 3, Substitute Senate Bill No. 5206 is approved.

Respectfully submitted,  
Booth Gardner, Governor

May 18, 1987

To the Honorable, the Senate  
of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 2(5) and 15(9), Engrossed Substitute Senate Bill No. 5299, entitled:

"AN ACT Relating to massage therapy."

This bill makes a number of changes to the statute relating to the licensing of massage businesses and massage therapists. Sections 2(5) and 15(9) would have the effect, if signed into law, of prohibiting cities and counties from licensing and regulating massage businesses. It is important that local governments are allowed to license and regulate all massage businesses.

While most massage practices provide a valuable and needed service, there is still a need for some local authority over these businesses. The personal contact involved in this type of business brings with it the opportunity for business fronts for criminal activity which require law enforcement attention. Local regulation provides involvement by local officials and citizens who become justifiably concerned about the character of their community.



With the exception of sections 2(5) and 15(9), Engrossed Substitute Senate Bill No. 5299 is approved.

Respectfully submitted,  
Booth Gardner, Governor

April 20, 1987

To the Honorable, the Senate  
of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 22, Senate Bill No. 5427, entitled:

"AN ACT Relating to simplifying and clarifying procedures of the department of ecology, local air pollution control authorities, and the pollution control hearings board."

Section 22 of this bill amends RCW 70.107.050 relating to noise pollution penalties. I have signed into law today Substitute Senate Bill No. 5389, entitled:

"AN ACT relating to noise control."

Signing both laws would constitute a double amendment to existing law and create confusion. For this reason, I have vetoed section 22.

With the exception of section 22, Senate Bill No. 5427 is approved.

Respectfully submitted,  
Booth Gardner, Governor

April 20, 1987

To the Honorable, the Senate  
of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval, Senate Bill No. 5442, entitled:

"AN ACT Relating to forest fires."

This legislation would direct the Department of Natural Resources to do the following:

"Upon arriving at the scene of a forest fire, the employees or agents of the department shall have the first priority to attempt to extinguish the fire, and attempts to conduct a survey of contiguous property to ascertain the necessity to remove individuals or property from the area of the fire shall be secondary to that responsibility: PROVIDED, HOWEVER, That this requirement does not mean that individuals in immediate danger from the fire may not be assisted."

The legislation appears to be confusing in its direction to the Department of Natural Resources and inconsistent with the normal values we place upon preserving and protecting human life. On a practical level, fighting forest fires is a situational, fast-moving, and complicated job. It may be difficult to predict the speed or direction of a fire or fires, and it is not unusual for several fires to be burning simultaneously. Even though other entities probably have a statutory duty to protect human life, their resources can be very strained and the Department of Natural Resources should always help protect human life. I am sure that we would all feel remorse if this legislation were adopted and subsequently resulted in the loss of human life because our firefighting crews did not feel they should try to protect human life at least on the same level as fighting the forest fire.

Senate Bill No. 5442 is vetoed in its entirety.

Respectfully submitted,  
Booth Gardner, Governor

May 19, 1987

To the Honorable, the Senate  
of the State of Washington  
Ladies and Gentlemen:

I am returning herewith without my approval as to sections 117 through 122, 219, 221 through 224, 229 through 232, and 302, Engrossed Substitute Senate Bill No. 5479 entitled:

"AN ACT Relating to improving the educational system."

This measure was introduced at my request. Its provisions provide for enhanced teacher preparation standards and a pilot school program. These measures are intended to improve teaching to meet the needs of children who must live in the challenging economy of the 21st century.

A number of amendments which created new programs were added to this bill during the legislative process. While I believe most of these programs are meritorious, I am vetoing those for which the legislature provided no funding. Adding unfunded programs to substantive law gives false hope to those who would benefit from them. For this reason, I have vetoed sections which would have created a primary block education program (sections 117 through 122), a principals' academy (sections 219, 221 through 224), and an award program for teacher preparation (sections 229 through 232).

In addition, I vetoed section 302 which requires the Superintendent of Public Instruction to create a paperwork reduction task force. This provision duplicates paperwork reduction duties already existing in the Basic Education Act and, thus, contributes only a statutory requirement for a task force. I am confident that the Superintendent can meet his paperwork reduction responsibilities without this provision.

With the exception of sections 117 through 122, 219, 221 through 224, 229 through 232 and 302 which I have vetoed, Engrossed Substitute Senate Bill No. 5479 is approved.

Respectfully submitted,  
Booth Gardner, Governor

May 19, 1987

To the Honorable, the Senate  
of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 23, Second Substitute Senate Bill No. 5555, entitled:

"AN ACT Relating to state information technology."

Section 23 of this bill would require that a study of state budgets and expenditures for information systems be conducted by the legislative evaluation and accountability program administration. This study would be conducted over a period of two years, while the new Department of Information Services is being formed.

I believe that this section is unnecessary. The Legislature has the general oversight authority for state agencies and may undertake studies of state operations without implementing legislation.

Furthermore, this study would be taking place while a great many changes are made in the organization of state information systems, as required by the remainder of this bill. It may be more difficult to get accurate baseline data during this period than at other times. To ensure that the Legislature is fully informed about the development and operations of this new agency, I will be instructing its director to make periodic reports to appropriate legislative committees.

With the exception of section 23, Second Substitute Senate Bill No. 5555 is approved.

Respectfully submitted,  
Booth Gardner, Governor

May 19, 1987

To the Honorable, the Senate  
of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 10 and 14, Engrossed Senate Bill No. 5556, entitled:

"AN ACT Relating to flood control."

Section 10 is a technical amendment to a section of the code that was repealed by Senate Bill 5427, already signed into law. I have eliminated this section of the bill to avoid confusion.

Section 14 would allow the Department of Ecology to grant an exemption for certain towns from statutory prohibitions against some types of construction and

rehabilitation within designated floodways. Section 4 of the bill includes language that allows repairs, reconstruction and improvements to an existing structure. Since the state supplements the national flood insurance program, any exemptions from this prohibition that go beyond the examples allowed under section 4 would represent a needless risk of public funds.

With the exception of sections 10 and 14, Engrossed Senate Bill No. 5556 is approved.

Respectfully submitted,  
Booth Gardner, Governor

May 19, 1987

To the Honorable, the Senate  
of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 8, Engrossed Substitute Senate Bill No. 5570, entitled:

"AN ACT Relating to disposal of incinerator ash residues."

This legislation would exempt municipal solid waste incinerator ash residue from the state's hazardous waste law and create a new category of waste and a new regulatory procedure.

Section 8 of the bill would allow any aggrieved person to bring an action in law or equity to the pollution control hearings board related to this new regulatory process. Currently, the board only hears appeals from department orders, permits, penalties, and other decisions. The language of this section could potentially confer new jurisdiction by allowing persons who feel the department is not processing permits or adopting regulations pursuant to this bill as it should to seek relief from the board rather than through the state court system.

The intent of this section was to assure a route for citizen appeals. A route for citizen appeals of any department decision exists in section 10 of Senate Bill No. 5427, already signed into law. Thus, elimination of this section does not affect the ability of citizens to challenge the department's decisions. For this reason, I have vetoed section 8.

I am concerned that a wholesale exemption of a category of waste from the hazardous waste law could set a bad precedent and send an incorrect message by implying that the door is open for exempting other categories of hazardous waste. The toxicity of a waste, and thus, viable alternatives for its safe disposal should be determined on the basis of scientific tests. Because of these factors, I am signing this legislation reluctantly.

In developing the rules, regulations and policies necessary to implement Engrossed Substitute Senate Bill No. 5570, I am asking the Department of Ecology to give primary emphasis to the long-term protection of public health and environmental values. The Department also needs to develop effective disposal alternatives and address such issues as the risk of mixing fly and disposal ash, immobilizing ash and transportation.

With the exception of section 8, Engrossed Substitute Senate Bill No. 5570 is approved.

Respectfully submitted,  
Booth Gardner, Governor

May 19, 1987

To the Honorable, the Senate  
of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 2(2)(g) and 12, Substitute Senate Bill No. 5606, entitled:

"AN ACT Relating to budget and accounting."

Section 2(2)(g) requires that the Governor's budget document display specific objects of expenditures for major programs. Current practice is to display all objects at the agency level, and selected objects at the program level.

By creating additional statutory requirements, the Legislature will increase the cost and size of what is already a 900-page document. Detailed object information is available from the Office of Financial Management; it is not necessary that this

same information be incorporated into the published budget. For these reasons, I am vetoing Section 2(2)(g).

Section 12 specifies that the bill will be effective on August 1, 1987, except for section 7, which is to take effect immediately.

The immediate implementation of section 7 is impractical. Section 7 places restrictions on fund and account deficiencies. The restrictions are complex and comprehensive. Additional time is required to fully implement the provisions of this section. Accordingly, I am vetoing section 12 so that the entire bill will become effective 90 days after the adjournment of the regular session.

With the exceptions of sections 2(2)(g) and 12, Substitute Senate Bill No. 5606 is approved.

Respectfully submitted,  
Booth Gardner, Governor

May 12, 1987

To the Honorable, the Senate  
of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval as to two sections, Substitute Senate Bill No. 5608 entitled:

"AN ACT Relating to abused and injured animals."

The bill amends the cruelty to animals statutes to allow law enforcement officials to remove an animal for a medical examination to determine if the animal is neglected and in need of restoration. The bill also prescribes penalties for violations of these statutes.

Sections 4 and 5, amendments to the original bill, specifically allow dogs to be transported in the open bed of a pickup truck. Current statute allows this to occur but requires that the animal be suitably harnessed or otherwise protected from falling or being thrown from the vehicle. Testimony before the House pointed out that nationally every year over 100,000 dogs die after being thrown from pickup truck beds. In keeping with the intent of the bill to encourage humane treatment of animals, I am vetoing sections 4 and 5.

With the exception of sections 4 and 5, Substitute Senate Bill No. 5608 is approved.

Respectfully submitted,  
Booth Gardner, Governor

May 19, 1987

To the Honorable, the Senate  
of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 7 and 8, Engrossed Second Substitute Senate Bill No. 5659, entitled:

"AN ACT Relating to child protective services."

This bill is the result of a lot of hard work by legislators and citizens to improve protective services for the children of our state. However, Section 7, which amends RCW 13.34.190, would allow the Department of Social and Health Services to terminate parental custody in any case having dependency status with the department. Department of Social and Health Services does not seek this greater authority. This is a technical error that the Legislature did not intend to make. If passed, this section would result in all dependency cases being held until this language could be changed. Therefore, I have vetoed section 7 of Engrossed Second Substitute Senate Bill No. 5659 to preserve current law.

Section 8 of Engrossed Second Substitute Senate Bill No. 5659 amends RCW 26.44.010. It articulates the paramount goal of child protective services as being the safety of the child. However, the impact of this language is receiving vastly different interpretations by attorneys, child advocates and legislators.

It is clear that in the past year, child protective service workers have become increasingly aware of the need to put the welfare of the child above all other concerns. I feel confident that no matter what language is put in this section, those workers are putting the needs of children first. The confusion surrounding this language compels me to recommend that in the interim the interested parties come

together and agree on what the best standard is for guiding protective services in safeguarding the general welfare of children. For this reason, I have vetoed section 8 of Engrossed Second Substitute Senate Bill No. 5659.

With the exception of sections 7 and 8, Engrossed Second Substitute Senate Bill No. 5659 is approved.

Respectfully submitted,  
Booth Gardner, Governor

May 18, 1987

To the Honorable, the Senate  
of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 1, 2, 3, 4 in part, and 12, Senate Bill No. 5739, entitled:

"AN ACT Relating to escrow."

This bill would eliminate in section 1, the \$200,000 fidelity bond requirement for officers and employees engaged in escrow transactions. The complete elimination of a fidelity bond requirement would unnecessarily expose the consumer to substantial losses resulting from any fraudulent or dishonest acts by escrow employees or officers. Even though these bonds presently do not run directly to the public, they provide a financial asset to the corporation which the public can sue. This is particularly important in that many of these escrow businesses are incorporated and the nature of the business does not require any substantial capital assets.

The errors and omissions policy alone, which is required in the amount of \$50,000, would not in many cases be in an amount enough to cover the average home sale transaction, nor by its terms would it cover fraud or dishonesty. The sale of a family residence is often the biggest financial transaction people are likely to be involved with and it is essential that adequate protection be available for those unfortunate cases where a loss results from fraud or dishonesty.

Sections 2, 3, 4 in part, and 12 are vetoed because they merely amend other sections of the chapter to reflect the change made in section 1 which deleted the fidelity bond requirement.

I note that the remaining amendments contained in this bill allow an association comprised of certificated escrow agents to organize a mutual corporation with the consent of the director, for the purpose of insuring or self-insuring against claims arising out of escrow transactions, upon a showing that insurance availability is cost-prohibitive or that such bond or policy is not reasonably available.

With the exception of sections 1, 2, 3, 4 in part, and 12, Senate Bill No. 5739 is approved.

Respectfully submitted,  
Booth Gardner, Governor

May 19, 1987

To the Honorable, the Senate  
of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval as to the second paragraph of section 1 and all of section 3, Engrossed Substitute Senate Bill No. 5801, entitled:

"AN ACT Relating to industrial insurance."

This bill would change the rules under which certain firefighters and law enforcement officers may qualify for workers' compensation benefits when they suffer from respiratory disease or have heart attacks. It stipulates that for those firefighters under the LEOFF II pension system, respiratory disease will be presumed to be job related, unless the employer can prove otherwise. It also changes the definition of injury for LEOFF II firefighters and police officers. They would no longer have to prove that a heart attack was due to unusual exertion on the job to qualify for workers' compensation.

I recognize the need to ease the burden of proof required for firefighters who contract respiratory diseases. The establishment of a rebuttable presumption that a respiratory disease is occupationally related for those employees will address a major problem for those who incur legitimate work place respiratory diseases.

However, I do not believe that it is appropriate to change the definition of injury, as proposed in the second paragraph of section 1 and affected in section 3, so that a heart attack is presumed to be job related. While the definition of injury has been the topic of considerable study and discussion for the past two years, there is no conclusive evidence to demonstrate that there is a higher incidence of job-related heart problems in firefighters and law enforcement officers than those in other professions.

With the exception of second paragraph of section 1 and all of section 3, Engrossed Substitute Senate Bill No. 5801 is approved.

Respectfully submitted,  
Booth Gardner, Governor

May 18, 1987

To the Honorable, the Senate  
of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 2, Substitute Senate Bill No. 5846 entitled:

"AN ACT Relating to boating safety."

This measure would have the Parks and Recreation Commission undertake some additional duties with respect to boating safety on this state's waters.

I have vetoed section 2 which creates a new statutory advisory committee. After reviewing this matter, I find that the purposes and functions of this bill can be fulfilled without creating, in statute, an additional advisory body.

With the exception of section 2, Substitute Senate Bill No. 5846 is approved.

Respectfully submitted,  
Booth Gardner, Governor

May 15, 1987

To the Honorable, the Senate  
of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, with my approval as to section 5, Engrossed Substitute Senate Bill No. 5850, entitled:

"AN ACT Relating to traffic infractions."

Section 5 of the bill directs the Department of Licensing to suspend individuals with two or more "failures to appear" on their record. Substitute Senate Bill No. 5061, which I have already signed into law, contains a similar provision. It allows the arrest and conviction of a person with two or more charges of "failure to appear" on his or her driving record in any four-year period from a traffic infraction. It also grants the officer the authority to arrest the person on the spot after receiving radio verification of their driving record from the Department of Licensing.

We have addressed this issue in two different ways in two separate bills. In order to avoid confusion and additional administrative cost to the public and state, I have vetoed section 5. The provisions contained in Substitute Senate Bill No. 5061 will have a much greater impact on this problem without a negative fiscal impact.

With the exception of section 5, Engrossed Substitute Senate Bill No. 5850 is approved.

Respectfully submitted,  
Booth Gardner, Governor

May 18, 1987

To the Honorable, the Senate  
of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 5, Engrossed Substitute Senate Bill No. 5857, entitled:

"AN ACT Relating to the professional discipline of physicians."

I support this legislation which develops a rehabilitation program for health care professionals impaired by alcohol or drugs. Section 5, however, restricts the ability of the Department of Licensing to provide the best possible protection to the public. By limiting the use of the committee's records in legal proceedings, it would

prohibit the Medical Disciplinary Board from being able to use the records when a physician had failed to cooperate or complete a treatment program. This would pose an unnecessary threat to the consumer. Section 6, which I am leaving in the bill, does protect the physician from general public disclosure.

With the exception of section 5, Engrossed Substitute Senate Bill No. 5857 is approved.

Respectfully submitted,  
Booth Gardner, Governor

June 12, 1987

To the Honorable, the Senate  
of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 10, Engrossed Substitute Senate Bill No. 5901, entitled:

"An Act Relating to fiscal matters."

The main thrust of this legislation provides additional programmatic and budgetary authorities for the State Convention and Trade Center that are necessary to ensure the timely completion of its construction and its fiscally responsible operation. I support the intent and purpose of these sections of the bill.

As a technical matter, I am vetoing section 10 of this bill, which repeals section 317 -- an appropriation for convention center operations -- in Engrossed Substitute House Bill No. 1221, the 1987-89 biennial state budget bill. I am taking separate action to veto section 317 of Engrossed Substitute House Bill No. 1221. Thus, the more current appropriation language contained in this bill, Engrossed Substitute Senate Bill No. 5901, should and will go into effect.

As a separate issue, I have received certain requests to veto sections 7 and 8 of this bill. These sections impose additional conditions on the use of proceeds from two special purpose taxes which the Legislature previously has authorized the City of Bellevue to levy on hotel room sales. The conditions would prohibit the use of those proceeds to finance construction of a facility to house a professional sports team.

This issue arises, in part, as a legislative response to the City of Bellevue's current consideration of a plan to develop a major downtown civic complex, including possibly an arena that could be utilized in the future by the Seattle Supersonics professional basketball team. The Supersonics have several years remaining in their lease at the Seattle Center Coliseum, which is owned and managed by the City of Seattle. However, the Supersonics have recently expressed their potential interest in developing and utilizing a new arena somewhere in the Central Puget Sound region.

The City of Bellevue has not yet made a final decision on whether, or how, it will proceed to develop the project. However, the City would like, in the event that it decides to proceed, to be able to use its portion of state authorized hotel tax proceeds to help finance such a civic complex, including a possible arena. On the other hand, sections 7 and 8 of Engrossed Substitute Senate Bill No. 5901 are a clear statement from the Legislature that it is not appropriate for the proceeds from Bellevue's state-authorized hotel tax to be used to construct a public arena that becomes part of a competition among jurisdictions in the region to secure an existing professional sports franchise tenant.

The question has been raised as to whether prohibiting the City's use of hotel tax proceeds in this manner constitutes an unwarranted state intrusion into local government affairs. After careful consideration, I have concluded that sections 7 and 8 represent the Legislature's further clarification of its intent concerning the use of special purpose hotel tax revenues. I agree with that intent. Therefore, I am signing Engrossed Substitute Senate Bill No. 5901 leaving sections 7 and 8 intact.

I have reached my conclusions on the appropriateness of retaining sections 7 and 8 based on several considerations. First of all, it is the Legislature which authorizes these special purpose hotel taxes that local governments may levy. Further, one of the two special hotel taxes at issue is Bellevue's 2% levy, which is a credit against the state's 6.5% sales tax. In this case, the state is authorizing Bellevue to collect a local tax which would otherwise be revenue to the State General Fund. Also, the Legislature has modified the local authority to levy these taxes, or has

imposed new conditions on their use, frequently since original enactment twenty years ago. The most recent such change prior to this year was during the 1986 session. The Legislature then modified King County's authority to use proceeds from its 2% hotel tax, which is also a credit against the state sales tax, in order to provide subsidies in the Kingdome's leases with professional sports teams. Other new conditions were also imposed. In this later instance, the Legislature became highly sensitized to the issue of public subsidies to professional sports franchises through lease concessions in publicly-owned facilities.

I also have concerns about the potential impact a new taxpayer-financed arena would have on other existing taxpayer-financed facilities in the region. I also concur with the Sonics professional basketball team, whose officers have said that, should they decide they need a new facility, they would prefer to develop one as a totally private venture.

Bellevue officials have indicated that they may pursue construction of such a facility in spite of the prohibitions in sections 7 and 8 in Engrossed Substitute Senate Bill No. 5901. However, I am encouraged that discussions on this issue are involving public officials from throughout the region to consider the regional impact of such a decision. The parties at interest may need to bring this issue back before the Legislature next year.

With the exception of section 10, Engrossed Substitute Senate Bill No. 5901 is approved.

Respectfully submitted,  
Booth Gardner, Governor

May 18, 1987

To the Honorable, the Senate  
of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 18, Substitute Senate Bill No. 5911, entitled:

"AN ACT Relating to state government."

This bill establishes natural resource conservation areas and imposes a temporary surcharge of 0.06 percent on the state real estate excise tax, RCW 82.45, to fund acquisition of such areas. This surcharge is repealed effective July 1, 1989.

Additionally, the bill repeals the conveyance tax, RCW 82.20, on real estate property transfers and increases the state real estate excise tax rate by 0.21 percent as a replacement for the conveyance tax revenues. The present state real estate excise tax rate is 1.07 percent and would be increased to 1.34 percent by this bill, including the temporary natural resource conservation surcharge. The bill has an emergency clause and becomes effective on the Governor's signature.

Section 18 affects only sections 14 through 17, which repeal the conveyance tax and increase the rate of the real estate excise tax. If section 18 becomes law, it would require conveyance stamps on old instruments which have previously been processed but were held in escrow for recording at a future date. The loss of revenue by removing this section will be minimal compared to the time, effort and confusion it would create for the public and county treasurers by leaving the provision in the law. It would be very difficult to collect this increased tax on old deeds where the escrow had been figured on the rate in effect at the time the transaction took place, prior to the effective date of this bill.

With the exception of section 18, Substitute Senate Bill No. 5911 is approved.

Respectfully submitted,  
Booth Gardner, Governor

April 20, 1987

To the Honorable, the Senate  
of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval, Substitute Senate Bill 5944, entitled:

"AN ACT Relating to certified public accountants."

This legislation eliminates the continuing education requirement for certified (nonlicensed) public accountants, and allows that category of accountants to use



the title of "Certified Public Accountant" or "CPA" if their activities do not require a CPA license.

The certified public accountant stature in our state historically has provided for a two-tier system, "certified" and "licensed". Under current law, only licensed CPAs are authorized to represent themselves to the public as a "CPAs". In 1986, the Legislature passed Chapter 295, Laws of 1986, which created an educational requirement for the "certificated" or nonlicensed CPAs.

This legislation removes the continuing education requirement only for the nonlicensed CPAs. Additionally it allows the same nonlicensed CPAs to represent themselves to the public as "CPAs" as long as they don't practice in subjects reserved for licensed CPAs.

The bill, as it is presently drafted, will confuse the public as far as who is or is not a CPA. Also it is not in the public interest to remove an educational requirement and at the same time allow the same people to hold themselves out as CPAs in their dealings with the public.

I would hope that the Legislature in future sessions would again address this issue to remove or clarify the differences in the two-tiered system regarding licensed and nonlicensed CPAs and to amend the statute in such a fashion that the public will not be confused by the differing categories of accountants who are able to use the title "CPA".

Substitute Senate Bill No. 5944 is vetoed in its entirety.

Respectfully submitted,  
Booth Gardner, Governor

May 19, 1987

To the Honorable, the Senate  
of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval, Senate Bill No. 5956, entitled:

"AN ACT Relating to the taxation by a county of persons residing outside the state who are employed inside the county."

This bill would permit counties bordering Idaho to impose an excise tax on persons residing outside the state who are employed inside the county. The amount of the tax would be based on actual government service benefits received by such persons, and the revenues would be allocated to cities and towns. The proposed law would expire if Idaho exempts non-resident common carrier employees from Idaho income taxes.

In short, this bill retaliates against Idaho for taxing the incomes of railroad workers and truckers who pass through the state of Idaho in the course of their business.

I am vetoing this bill for three reasons: First, it is unneighborly for Washington to enact such a retaliatory tax without first engaging in good faith discussions to try to resolve the issue. Second, based on conversations with local government officials, this tax is unlikely to be imposed by Washington counties, even if this bill were to become law. And third, it is unlikely that the technical aspects of implementing such a tax would be feasible, should a county seek to impose the proposed tax.

I have talked with Governor Andrus, and we have agreed to work together to ensure that the issue of taxation of interstate common carrier workers does not become an issue of confrontation between our states. It is my understanding that the Idaho State Legislature has already enacted legislation exempting most interstate truckers from the tax in dispute, and they have expressed a willingness to work cooperatively on any remaining problems. Together we will seek fair tax treatment for Washington and Idaho residents and the elimination of any harassment level of taxation.

For these reasons, Senate Bill No. 5956 is vetoed.

Respectfully submitted,  
Booth Gardner, Governor

May 19, 1987

To the Honorable, the Senate  
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, Substitute Senate Bill No. 6010, entitled:

"AN ACT Relating to to the disposal of hazardous waste pesticides."

Substitute Senate Bill No. 6010 directs the Department of Agriculture to set up the administrative structure necessary to implement a pesticide waste disposal program. For this purpose, the bill allows the department to become licensed as a hazardous waste generator.

Pesticide disposal is a growing problem for the agriculture industry of our state. Allowing the department to become licensed as a hazardous waste generator, however, causes the state to assume the long-term liability for the waste. The costs of this liability have not been well considered and could be substantial. It is also not clear that such an action is necessary or even useful in light of various regulations issued by the Environmental Protection Agency.

In addition, the Department of Energy has recently released the Agricultural Hazardous Waste Study which examines the problem of pesticide disposal. The study raises several issues that should be investigated before we design a state-wide collection program.

Finally, funding for all hazardous waste disposal programs has been severely reduced. Although there is funding for this program in the budget approved by the Legislature, I believe other factors cited above are more important and require a veto of Substitute Senate Bill No. 6010.

For these reasons, I have vetoed Substitute Senate Bill No. 6010.

Respectfully submitted,  
Booth Gardner, Governor

June 12, 1987

To the Honorable, the Senate  
of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 8(9), 9 and 10, Engrossed Substitute Senate Bill No. 6016, entitled:

"AN ACT Relating to transportation revenue and taxation."

Section 8(9), Page 12, Transfer of Excess Mass Transit funds

This section would require, beginning with the 1989-91 biennium, that unmatched local mass transit funds be transferred into the Puget Sound Ferry Operations Account. These unmatched funds have historically reverted to the General Fund. The June 30, 1989 sunset clause on the .1% MVET increase which is dedicated to ferry systems operations creates a need in the 1989-91 biennium for additional funding. Given the demands the operating budget places on the General Fund in future biennia, this transfer is not fiscally responsible.

Section 9 and 10, Page 12, Ferry System Fuel Tax Exemption

These sections exempt the ferry system from paying the fuel tax. This exemption has a biennial fiscal impact of \$1 million on the General Fund. The funding to pay the fuel tax is in the Department of Transportation 1987-89 budget.

With the exception of sections 8(9), 9 and 10, Engrossed Substitute Senate Bill No. 6016 is approved.

Respectfully submitted,  
Booth Gardner, Governor

April 19, 1987

To the Honorable, the Senate  
of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 601, Substitute Senate Bill No. 6048, entitled:

"AN ACT Relating to mandatory arbitration."

Substitute Senate Bill No. 6048 makes a number of technical and substantive changes to the Tort Reform Act of 1986.

Section 601 requires the state Risk Manager to conduct or contract for a feasibility study on the cost and benefits of the State of Washington providing excess

liability and property insurance to political subdivisions of the state. No appropriation is provided for this study and the Risk Manager currently faces the possibility of budgetary reductions. In order to conduct the study, it would require an experienced actuary and such personnel are not available on staff.

Also, local governments currently have the opportunity of establishing joint cooperative self-insurance funds under the provisions of RCW 48.62. I would encourage them to pursue the possibilities of establishing excess coverage through such a mechanism in a joint cooperative effort.

With the exception of section 601 and the reference to it in section 1903, Substitute Senate Bill No. 6048 is approved.

Respectfully submitted,  
Booth Gardner, Governor

May 19, 1987

To the Honorable, the Senate  
of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 1, Senate Bill No. 6053, entitled:

AN ACT Relating to educational service districts."

Section 1 of this bill would allow Educational Service Districts to borrow money to purchase real or personal property for their operations.

Educational Service Districts are not local entities and are not accountable to local constituencies. They are agencies with no guaranteed source of income or revenue with which to secure borrowed funds. The primary source of revenue for Educational Service Districts comes from local school district participation. School districts do have accountability to local constituencies. They also have the authority to borrow funds, and could do so cooperatively in support of Educational Service Districts, should such a need arise.

With the exception of section 1, Senate Bill No. 6053 is approved.

Respectfully submitted,  
Booth Gardner, Governor

June 12, 1987

To the Honorable, the Senate  
of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 9(4), 10(4), 25(2) and 41, Engrossed Substitute Senate Bill No. 6076, entitled:

"AN ACT Relating to transportation appropriations."

Section 9(4), Page 3, Curbstone Program

This section, while not prescriptive, allows for expansion of the "Curbstone" program. The numbers and language are contradictory in that the amount identified for expansion erroneously includes the base, while expenditures are limited to funding source revenues, which would not be sufficient to support the specified expansion.

Section 10(4), Page 4, Public Safety and Education Account Transfer

This section transfers funds out of the Public Safety and Education Account into the Highway Safety Fund. In recent years, the legislature has expressed a desire for an open process in determining the levels of appropriations to various agencies from the Public Safety and Education Account. This transfer circumvents that process by dedicating a portion of the revenues accrued to the Public Safety and Education Account to the Highway Safety Fund. Also, the amount developed in the March, 1987, forecast is less than the amount appropriated, which appears to be unintended and could result in the account being over-extended.

Section 25(2), Page 11, Increased Appropriation for Highway Stores

This section allows the Department of Transportation's appropriation to be increased by an unspecified amount. This is in violation of Article 8, section 4 of the Constitution because it fails to distinctly specify the amount of the appropriation.

Section 41, Page 20, Service Fund Charges

This section puts caps on revolving fund payments by the Washington State Patrol, the Department of Licensing and the Department of Transportation. The section references assumed budgeted amounts for revolving funds which have not been established. This section creates an inconsistency relative to other state agencies in the matter of revolving fund charges.

With the exception of sections 9(4), 10(4), 25(2) and 41, Engrossed Substitute Senate Bill No. 6076 is approved.

Respectfully submitted,  
Booth Gardner, Governor

**SENATE BILLS PASSED BY BOTH HOUSE AND SENATE  
SHOWING THE ACTION BY THE GOVERNOR THEREON**

Fiftieth Legislature  
1987 Regular Session  
1987 First Special Session  
1987 Second Special Session  
1987 Third Special Session

Senate No.	Relating to:	Chapter No.	Effective Date
S 5001	Judicial council revised	322	7/26/87
5002	Judicial conduct commission	186	4/25/87
5008	Property tax by check	211	1/1/88
5009	Dialysis property tax	31	7/26/87
5010	Legislative terms	13	7/26/87
5013	Street vacation/about water	228	7/26/87
S 5014	Weatherization low-income	36	4/13/87
5015	Municipal ct terminology	3	7/26/87
5017	District court terminology	202 PV	7/26/87
5019	Sewer water levies	33	7/26/87
S 5022	Public works appropriation	5	3/18/87
S 5024	Contractor reg # advertising	362	7/26/87
5032	Antique slot machine	191	7/26/87
5034	Model traffic ordinance	30	4/7/87
5035	IAC outdoor rec extend	425	5/18/87
S 5045	Vote canvass recount	54	7/26/87
S 5046	Health/disabl insur riders	37	7/26/87
S 5047	POW license plates	98	7/26/87
5051	Environmental excellence	67	7/26/87
S 5058	Failure to adopt rules	451	7/26/87
5060	Intoxicated pedestrians	11	7/26/87
S 5061	Traffic laws misdemeanor	345	7/26/87
5062	Probable cause to stop MV	66	7/26/87
2S 5063	Child abuse info employees	486	7/26/87
5067	Domestic violence orders	71	7/26/87
5069	Public utility budgets	38	7/26/87
S 5071	Dangerous wastes	488	7/26/87
2S 5074	Involuntary commitment	439 PV	7/26/87
5080	Exempt pension money	64	7/26/87
S 5081	Winter recreation	526	5/19/87
5085	Warehousemen's liens	395	7/26/87
S 5088	Visitation custody interfere		Vetoed
S 5089	Child abuse homicide	187	7/26/87
S 5094	Spec builders labor tax	285	7/26/87
5097	Utility regulation	229	7/26/87
S 5104	Parks improvement account	225	7/26/87
5105	Poisons - licenses	34	7/26/87
S 5106	Organized crime	65	7/26/87
S 5107	MV excise tax levy period	235	7/26/87
5110	Wash scholar award	465	7/26/87
S 5113	Seat belt insurance	310 PV	7/26/87
5120	County auditors	302	7/26/87
	Section 3		5/8/87

Senate No.	Relating to:	Chapter No.	Effective Date
S 5123	Highway advertising	469 PV	7/26/87
S 5124	Junk vehicles	311 PV	7/26/87
5129	1st Ave South bridge	510	7/26/87
S 5130	Liquor by the bottle	196	7/26/87
S 5136	Pearl Harbor	44	7/26/87
5138	Tax deferral/credit info	49	7/26/87
5139	Cigarette tax	80	7/26/87
S 5142	Harassment	280	7/26/87
S 5143	Public employment records	404 PV	7/26/87
S 5144	Fertilizers pesticides	45	7/26/87
5146	Port commission life insur	50	7/26/87
5148	Dept Blind/serv continued	60	7/26/87
5149	Ct of appeals sessions	43	7/26/87
S 5150	Pension portability	192	7/1/88
	Section 5		7/1/87
S 5155	School dist annex	100	7/26/87
5159	Puget Island ferry	368	7/1/87
5160	Poisons/haz substances	236	7/26/87
5161	Mental hosp/purch authority	70	7/26/87
S 5163	Midwives	467	7/26/87
5164	Radioactive materials	90	7/26/87
S 5170	Agri fees assessments	35	7/26/87
5172	Victims/witnesses/crimes	281	6/30/87
S 5174	Land bank	29	7/26/87
5178	Commodity brokers	243	7/26/87
S 5179	Private printing	72	7/26/87
S 5180	St purchasing	81	7/26/87
S 5181	Charity donation receptacles	385	7/26/87
S 5191	Comm on Hispanic Affairs	249	7/26/87
S 5193	Mining public lands	20	7/26/87
5194	UCC fees	189	7/26/87
S 5196	Insurance/immunity	51	7/26/87
5197	Community college exchange	12	7/26/87
S 5199	Port district boundary	82	7/26/87
5201	Conflict of interest	426	7/26/87
5204	Hospital superintendent	58	7/26/87
5205	Judges pro tempore	73	1/1/88
	(Pending approval of constitutional amendment by voters)		
S 5206	Superior ct judge additional	323 PV	7/26/87
S 5212	Temporary retail liquor lic	217	7/26/87
5217	Wellness program	248	7/26/87
S 5219	Naturopathic physicians	447	7/26/87
	Section 24		6/30/87
S 5225	Community coll collect barg	314	7/26/87
5227	DSHS finance recovery	75	7/26/87
S 5232	Unemploy comp base years	278	7/26/87
5245	Reflectorized warnings	226	7/26/87
5247	School program approval	39	7/26/87
5248	Vocational curriculum	197	7/26/87
S 5249	Ct filing fees	382	7/26/87
2S 5252	Child abuse prevention	489	7/26/87
S 5253	Displaced homemakers	230	7/1/87
S 5254	Minors/liquor sales	101	7/26/87
5265	Beer retailers	205	7/26/87
S 5274	In-service training	519	7/26/87

Senate No.	Relating to:	Chapter No.	Effective Date
	5277	52	7/26/87
S	5285	308	7/26/87
S	5288	102	7/26/87
S	5293	4 E1	6/9/87
S	5299	443 PV	7/26/87
	Section 12		6/1/88
S	5301	94	7/26/87
S	5312	135	7/26/87
S	5318	21	7/26/87
S	5326	369	7/26/87
	5327	76	7/26/87
S	5329	91	7/26/87
S	5330	9	7/26/87
	5331	10	7/26/87
	5335	477	7/26/87
	5348	62	7/26/87
S	5351	7	3/31/87
S	5371	56	7/26/87
	5380	455	7/1/87
	5381	77	7/26/87
S	5389	103	7/26/87
S	5392	256	7/26/87
S	5393	284	7/26/87
	5402	88	4/20/87
	5403	59	7/26/87
S	5405	365	7/26/87
	5408	219	7/26/87
	5410	61	7/26/87
	5412	198	7/26/87
	5413	199	7/26/87
	5415	68	7/26/87
	5416	200	7/26/87
S	5417	69	7/26/87
	5418	63	7/26/87
S	5423	237	7/26/87
	5427	109 PV	7/26/87
	5428	400	7/26/87
	5433	40	7/26/87
S	5439	466	7/26/87
	5442		Vetoed
	5444	246	7/26/87
2S	5453	409	5/18/87
S	5456	270	5/7/87
	5463	349	7/26/87
S	5464	266	7/26/87
S	5466	83	7/26/87
	5469	195	7/26/87
S	5479	525 PV	7/26/87
	Section 303		6/15/87
	5483	448	7/26/87
S	5495	87	1/1/88
2S	5501	259	7/1/87
S	5502	344	7/26/87
	Sections 2-8, 10-12, 14-16		1/1/88
	Section 9		6/1/87

Senate No.	Relating to:	Chapter No.	Effective Date	
S	5510	Real estate licenses	332	7/26/87
S	5511	Retirement/mandatory assign	326	7/1/87
S	5512	PERS/service credit	384	
		Section 1		7/1/87
		Section 2		7/1/88
	5513	State Patrol/retirement	215	7/1/87
S	5514	Water/sewer competitive bids	309	7/26/87
2S	5515	Vessel dealer registration	149	7/1/87
S	5519	Vesting of rights	104	7/26/87
S	5520	Improvement dist 200%	340	7/26/87
	5522	Public works contracts	218	7/26/87
	5523	Credit cards/st agencies	47	7/26/87
	5529	MWBE certification	328	5/12/87
S	5530	Office of small business	348	7/26/87
S	5533	Ocean resources assessment	408	7/26/87
	5536	Scenic rivers	57	7/26/87
	5541	Liquor bd audit	74	7/26/87
	5546	Assault	324	7/1/88
		Section 3		5/12/87
	5549	Execution dates	286	7/26/87
	5550	Sexual offenders	402	7/1/87
2S	5555	Information technology	504 PV	7/1/87
	5556	Floodplain management	523 PV	7/26/87
S	5561	Auction companies	336	7/26/87
	5564	Housing authorities	275	7/26/87
S	5565	Gas delivery meters	42	7/26/87
S	5570	Incinerator residues	528 PV	5/19/87
	5571	Grain idemnity fund	509	5/19/87
S	5581	Beer samples	46	7/26/87
S	5584	L&I claim misrepresentation	221	7/26/87
S	5594	Water rights claims	93	4/20/87
	5597	Cosmetology	445	7/26/87
S	5598	Community mental services	105	7/1/87
S	5604	Navy conveyances	271	5/7/87
	5605	Proportional vehicle regis	244	7/26/87
		Sections 9.10, 15-58		1/1/88
		Section 1		1/1/90
S	5606	Budget & accounting	502 PV	7/26/87
S	5608	Animal cruelty	335 PV	7/26/87
S	5622	Beginning teachers asst	507	6/15/87
S	5632	Learning asst program	478	7/26/87
	5642	SPI food services	193	7/26/87
S	5650	Pilot qualifications	264	7/26/87
2S	5659	Protection of children	524 PV	7/26/87
	5666	SR 161/Enchanted Pkwy	520	7/26/87
	5668	Securities/pub serv comp	106	7/26/87
	5678	Deaf students/comm coll fee	390	7/26/87
S	5679	UTC/confidential information	107	4/20/87
	5685	Apple advertis comm/bonds	6	3/26/87
S	5688	Higher ed/commercial activ	97	7/26/87
	5693	Voting time/employees	296	7/26/87
	5712	Nonresident student/defined	96	7/26/87
S	5717	Nonprofit corp/finance activ	190	6/1/87
	5732	Right-of-way donations	267	7/26/87
	5735	Approach rds/st hwy/standard	227	7/26/87



SENATE BILLS PASSED BY BOTH HOUSES

2749

Senate No.	Relating to:	Chapter No.	Effective Date
	5739 Escrow agents/bonds/errors	471 PV	7/1/87
	5740 Ferry employees' compensa	78	7/1/87
	5747 Nonprofit historic preserv	341	7/26/87
S	5761 Electrical install/rules	79	7/26/87
S	5763 Surplus salmon eggs/sale	48	7/26/87
	5764 Washington sunrise act	342	7/26/87
	5774 ID on dentures	252	7/26/87
S	5779 Vehicle mech breakdown insur	99	7/26/87
	5780 Campaign funds/investment	268	7/26/87
S	5801 LEOFF/medical/presumption	515 PV	7/26/87
S	5814 Mobile homes	313	7/26/87
	5822 Short plat regulations	92	7/26/87
S	5824 Assault institution	188	7/1/87
S	5825 Horizontal property	383	7/26/87
S	5830 UCC/organ transplants	84	7/26/87
S	5838 Health studios mem/sales	317	7/26/87
2S	5845 Forest practices	95	4/20/87
S	5846 Boating safety	427 PV	7/26/87
S	5849 Insurance cancellation	14	7/26/87
S	5850 Traffic infractions	397 PV	7/26/87
S	5857 Impaired physicians	416 PV	7/1/87
S	5858 Mobile homes/sales tax	89	4/20/87
	5861 Small passenger vessels	194	4/25/87
	5863 Mobile homes age/parks	253	7/26/87
2S	5871 Day care/community coll	287	7/26/87
S	5880 Tuition recovery/private voc	459	5/18/87
	5882 Contractors/insur requiremnt	303	7/26/87
S	5892 Land subdiv/site plan exempt	108	7/26/87
S	5901 Convention center/finance	8 E1 PV	6/12/87
S	5911 DNR purchase properties	472 PV	5/18/87
	5936 Contingent-fee lobbying	201	7/26/87
S	5944 CPA/continuing education	Vetoed	
	5948 MV retail contracts/interest	318	1/1/88
	5955 Muni ownership/prof sports	32	4/10/87
	5956 Idaho workers in Washington	Vetoed	
	5972 Peer review/liability	269	7/26/87
	5976 Livestock liens	233	7/26/87
S	5977 Ed telecommunications netwk	279	7/26/87
S	5978 Tributyltin in paints	334	4/1/88
2S	5986 Oil spill damage assessment	479	7/26/87
2S	5993 DOE/public waters	343	5/12/87
	5996 Wash voc tech center	492	5/19/87
	6003 Water rts/nonrelinquishment	491	7/26/87
S	6010 Pesticides disposal	Vetoed	
	6012 Indecent exposure	277	7/26/87
S	6013 Off of child care resources	329	7/26/87
S	6016 Trans revenue & tax	9 E1 PV	7/1/87
S	6023 Port dists/mortgage facil	289	7/26/87
S	6033 Hops/B&O tax	495	5/19/87
	6038 Dialysis centers/drugs	41	7/26/87
S	6048 Civil actions/liabilities	212 PV	7/26/87
	Sections 401, 402, 701-710, 901, 1001, 1101, 1201, 1401, 1501, 1601, 1602		4/29/87
	Sections 101, 102		7/1/88
	6053 ESD/board powers	508 PV	7/26/87

Senate No.	Relating to:	Chapter No.	Effective Date
S 6061	Community docks	474	7/26/87
S 6064	Lodgings/local excise tax	483	7/26/87
6065	Collection agencies/records	85	7/26/87
S 6076	Transportation approp	10 E1 PV	6/12/87
6078	B&O tax modified	3 E2	8/11/87
6084	Corporate acquisitions	4 E2	8/11/87
6085	Hazardous sub/public protect	2 E3	10/16/87

**SENATE MEMORIALS AND RESOLUTIONS PASSED  
BY BOTH SENATE AND HOUSE**

Fiftieth Legislature

1987 Regular, First, Second and Third Special Sessions

No.            Subject:

---

SENATE JOINT MEMORIALS

8000	Spotted owl review
8005	Sale of BPA
8006	Motor carrier safety
8008	Oil spill program
8016	Farm Credit System/Wash farm
8017	Veteran Center/Walla Walla

SENATE JOINT RESOLUTIONS

8207	Judges pro tempore
8212	Public land \$\$ invest

SENATE CONCURRENT RESOLUTIONS

8400	Leg. organized/Gov. notified
8401	Joint Rules
8402	Cutoff dates
8404	Jt select comm disability
8408	Trucking duplication
8413	Jt sel comm/labor-mgmt
8414	Transmit bills/Hse of origin
8415	Adjourn Sine Die
8416	Reintro all measures
8418	Return bills/Hse of origin
8419	Leg organized/Gov notified
8421	Sine Die/Gov notified
8422	Leg. organized/Gov notified

**HOUSE BILLS PASSED BY BOTH HOUSE AND SENATE  
SHOWING THE ACTION BY THE GOVERNOR THEREON**

Fiftieth Legislature  
1987 Regular Session  
1987 First Special Session  
1987 Second Special Session  
1987 Third Special Session

House No.	Relating to:	Chapter No.	Effective Date
	1 Christmas trees excise tax	23	4/6/87
S	2 Water/sewer dist provisions	449 PV	7/26/87
	3 Retirement overpayment	490	7/26/87
S	4 Public records release	403	7/26/87
	6 Gambling statutes/recodified	4	3/16/87
S	9 Public util estab jt util	18	7/26/87
	10 Retirement systems transfers	417	7/26/87
S	11 Emergency service districts	17	4/3/87
2S	16 Wood stove emissions	405	7/26/87
	24 MV fuel tax penalties	294	7/26/87
S	25 State publications provsns	505 PV	7/26/87
S	26 Lottery provisions	511 PV	5/19/87
	31 Insurers/convention blank	132	7/26/87
	39 Special districts/provisions	298	7/26/87
S	42 Minors arrest/alcohol	154	7/26/87
	44 Property tax/mobile homes	155	7/26/87
S	47 Dir of pub safety/LEOFF ret	418	7/26/87
S	48 Parenting/revise provisions	460 PV	1/1/88
	49 Hazard waste mangmnt/award	115	7/26/87
	51 Prop Ins Inspec Plcmt Prgrm	128	7/26/87
S	55 Sustainable harvest	159	7/26/87
S	56 Surface mining permits	258	7/26/87
S	60 Liens/commercial fishermen	148	7/26/87
S	63 Lake management districts	432	7/26/87
	66 B&O tax/barley	139	7/26/87
	67 B&O tax/seed conditioning	493	7/26/87
	68 Irrigatn ofcs/pollng place	123	7/26/87
	75 Irrigation districts	124	7/26/87
S	80 Mortgage brokers/regs	391	7/26/87
S	83 Driver record/accidents	463	7/26/87
	86 Sewer/water improvmt notice	315	7/26/87
S	88 Personal service contracts	414 PV	7/26/87
	91 Incentives/state employees	387	7/1/87
	Section 10		5/15/87
	94 Fraudulent transfer act	444	7/1/88
S	95 Prevailing wage/new cnstruct	321	7/26/87
	96 Property taxes/appeal	156	7/26/87
S	98 Nat'l guard/state liability	26	4/6/87
S	99 WA health insurance pool	431	5/18/87
	110 Alcohol sales/minors	204	7/26/87
S	116 Plats/administrative approv	354	7/26/87
S	124 Ballot order rotation	110	7/26/87
S	129 Credentialing act/counselors	512 PV	7/26/87

House No.	Relating to:	Chapter No.	Effective Date	
S	130	Airport use fees/collectns	254	7/26/87
S	134	Radiological techs/certs	412 PV	10/1/87
	135	Western library network	389 PV	6/30/87
	136	Game cmsn/meeting dates	114	7/26/87
S	138	Voc excellnce award/tuition	231	7/26/87
		Section 3		1/1/88
	142	Presuit investigtn powr/A.G.	152	7/26/87
	146	Credit unions/provisions	338 PV	7/26/87
S	147	Credit ins/provisions	130	7/26/87
	148	Business ID system/agencies	111	7/1/87
S	153	Developmntally disabld/abuse	206	7/26/87
S	154	Hazardous materials	238	7/26/87
	161	Motorcycle helmets required	454	7/26/87
2S	163	School dist brd of dir/pay	307	9/1/87
2S	164	WA housing trust fund	513 PV	1/1/88
S	168	Fire serv dist charges	325	7/26/87
S	170	Nat resource rules/violation	380	1/1/88
	171	Contractors/comm colleges	407 PV	7/26/87
S	186	Public contracts/bids	120	7/26/87
	187	L&I appeals of orders	151	7/26/87
S	188	Init-Ref/filing time	161	4/23/87
	194	Park district treasurers	203	7/26/87
2S	196	Driving w/o license	388 PV	7/26/87
		Sections 1-8		7/1/88
		Section 9		1/1/90
	197	Prop tax levy/adjust	168	7/26/87
S	198	Sales tax trust fund	245	5/1/87
	199	Timber excise tax	166	7/26/87
	200	Util tax/sewerage collection	207	7/26/87
	203	Tax notices/delinquent	208	7/26/87
	204	Tax/personal property	27	7/26/87
	205	MV transp company/assessment	153	7/26/87
	209	Cigarette taxes/enforcement	496	7/26/87
S	217	Superior courts/provsns	363	7/26/87
	220	Coll bargaining/UW printers	484	7/26/87
2S	221	Hearing impaired/telecomm	304	7/26/87
S	226	Collective bargaining/judges		Vetoed
S	231	Water well construction	394	7/26/87
S	232	Water rights/conservtn prgms	125	7/26/87
	235	Drugs/out-of-state physician	144	4/22/87
S	237	Emergency med services/provsns	214	7/26/87
S	238	Solid waste managmnt/provsns	239	7/26/87
S	244	Public disclosure exemptions	299	7/26/87
	248	WSP retirement/spouses	173	7/1/87
	250	UTC permits	209	7/26/87
	255	Veh ownership transfer	127	7/26/87
2S	257	Trust fund/grad students	147	7/26/87
S	258	Public health fees/provsns	223	7/26/87
S	259	Water recreation provisions	222	7/26/87
	261	License plate/centennial	178	4/23/87
S	263	Public loans w/o bonds	19	4/3/87
S	274	DSHS/overpayment recovery	283	7/26/87
	277	Financial respons proof/DOL	371	7/26/87
	279	Motr veh code/security depst	378	7/26/87
	282	Food coupons/tax exemption	28	10/1/87

House No.	Relating to:	Chapter No.	Effective Date
S	283 Fishing gear/foreign vessels	262	7/26/87
S	289 Recreational activities/regs	250	7/26/87
S	291 Voter challenges/procedures	288	7/26/87
	295 Implied consent law/revsns	22	7/26/87
S	296 Local governance study cmsn	16	6/30/87
S	298 Loc govt dists/withdraw area	138	4/22/87
	310 Insurers/financing coverage	240	1/1/88
S	313 Park dist cmsnrs terms	53	7/26/87
	315 Citizns cmsn salaries/approp	1	2/20/87
2S	321 Tax deferrals/alum casting	497	5/19/87
S	324 Public disclosure exemptns	337	7/26/87
S	325 Ed programs/bilingual	398	7/26/87
	326 Water quality acct transfer	527	7/26/87
S	327 Capital budget	6 El PV	6/12/87
S	329 Conservation cmsn membership	180	7/26/87
	338 Transp cmsn/retain experts	364	7/26/87
2S	339 Profssorshp trust fund prgrm	8	7/26/87
S	341 Banks/corporate powers	498	7/26/87
S	347 MV fuel taxes/payment	174	6/1/87
	352 Highways/priority progmming	179	7/26/87
S	353 Agriculture dept/provsns	393	7/26/87
	Sections 15 and 27		5/15/87
	358 Jt cmte on pension policy	25	7/26/87
S	364 Contractor registratrn/prvsns	419	7/26/87
S	373 Rural developmnt studies	293	7/26/87
	374 Veterinary biologics/sale	163	7/26/87
	377 Deferred comp fund/rename	121	7/26/87
	378 Ins board revolv fund/rename	122	7/26/87
	379 Risk retention groups	306	5/11/87
S	385 Radioactive waste/entry	86	4/20/87
S	388 Wastewater treatmnt facility	357	7/26/87
S	391 Deeds of trust	352	7/26/87
S	393 Limited partnerships provsns	55	7/26/87
	395 Highway improvmnts/financing	261	7/26/87
	396 Transp benefit districts	327	7/26/87
	399 Industrial ins premiums	210	7/26/87
	403 Aircraft regs-tax/DOT	220	7/26/87
	406 Retirement service credits	146	4/22/87
	410 Ed info revolving fund	119	7/26/87
S	413 Child support modifications	430	7/26/87
S	415 Driving recrd/treatmnt agncy	181	7/26/87
S	418 Child support schedule cmsn	440	5/18/87
S	419 Paternity/admin determtn	441	7/26/87
S	420 WA state support registry	435	1/1/88
	Section 4		5/18/87
S	424 Service credits PERS	136	7/26/87
S	425 Heating systems/district	522 PV	7/26/87
2S	426 Columbia River Gorge Compact	499	5/19/87
S	430 Employee co-ops/creating	457	7/26/87
	431 Emergency veh restrictions	176	7/26/88
	432 Frat benefit societies/regs	366	1/1/88
	435 Real estate license/inactive	514 PV	7/26/87
S	440 Retirement/elected officials	379 PV	7/26/87
S	445 Unemployment comp/lock outs	2	2/20/87
2S	448 Family independence program	434 PV	7/26/87

House No.	Relating to:	Chapter No.	Effective Date
S 450	Cemetery board/reorganize	331	7/1/87
452	Day care/school based	487	7/26/87
S 454	Boards & cmsns/revisions	330	7/26/87
2S 455	School finances/enhance	2 El	9/1/87
2S 456	Learning enhancement prgrms	518 PV	7/26/87
S 458	Telecomm/measured service	333	6/1/87
462	Indust ins paymnts/penalty	470 PV	7/1/87
S 465	Wage claims	172	7/26/87
S 476	Banking regulations	420	7/26/87
2S 477	Health care access act 1987	5 El	8/20/87
2S 480	Indian children/protections	170	7/26/87
	Sections 10 and 11		7/1/88
S 489	Probate provisions	157	4/22/87
S 492	Tuition/fees/installmnts	15	6/30/87
S 498	Collective barg/firemen/EMTs	521 PV	7/26/87
S 499	Wastewater permit/issuance	500	7/26/87
S 506	Childrens trust fund	351	7/26/87
S 508	Access devices/crimes	140	7/26/87
520	Nonprofit corp/provsns	117	7/26/87
S 522	State land exchanges	113	7/26/87
S 523	Pollution control facilities	436	5/18/87
541	Joint operating agencies	376	7/26/87
S 542	Traps on private property	372	7/26/87
545	Correcting double amendment	145	7/26/87
549	Centennial cmsn/exec sec	300	7/26/87
551	Aquatic lands/sales	350	7/1/89
559	Vanpool laws/extending	175	7/26/87
	Section 2		1/1/88
S 563	Uniform disciplinary act	150	7/26/87
2S 569	WA wine commission	452	7/1/87
	Section 10		7/1/89
S 571	Water treat plant/municipal	399	7/26/87
S 578	Taxing dist boundaries	358	7/26/87
S 585	Vehicle registration	142	7/26/87
2S 586	Child protective services	503 PV	7/1/87
590	Govt official/civil liability	263	7/26/87
S 601	Public accomodtns/pay for	353	7/26/87
S 611	Navy home port Everett/funds	272	5/7/87
S 614	Absentee voter/revisions	346 PV	1/1/88
S 621	Bonds/capital projects	3 El	8/20/87
628	Tax/cmrci fishng diesel fuel	494	7/26/87
629	Pilot discipline board	392	7/26/87
S 630	Pilotage requirements	485 PV	7/26/87
643	Bonds/special assessment use	169	7/26/87
S 644	DOE/certify testing labs	481	7/26/87
S 646	Drug treatmnt shelter prgrm	406	7/26/87
S 648	Noxious weed control/prvsns	438 PV	7/26/87
654	Unemploy ins/contributns	213	4/29/87
S 656	Service for unemployed prgrm	171	7/26/87
658	Precinct cmteman/filing form	133	7/26/87
663	Breath alcohol testing	247	7/26/87
S 665	SSI referral program	177	7/1/87
S 669	Bicycles/unclaimed/charity	182	7/26/87
671	Construction/new/assessment	134	4/21/87
S 677	Industrial ins administratn	316	7/26/87

House No.	Relating to:	Chapter No.	Effective Date
	678 Right-to-know advis council	24	7/26/87
2S	684 Criminal sentencing/provsns Sections 9-31	456 PV	7/26/87 1/1/87
S	695 Prop tax/seniors/disabled	301	7/26/87
S	697 Long-term care ombudsmen	158	4/22/87
	698 Local govt charges/collectn	355	7/26/87
	699 Medicine/limited licenses	129	7/26/87
	701 Aircraft/survival kits	273	7/26/87
S	706 Youth employmnt & conservtn	167	6/30/87
	707 WA conservation corps	367	5/14/87
	713 Debt-related securities Sections 1-8	421	7/26/87 1/1/87
S	732 Audit services revolving fund	165	7/26/87
S	734 Erotic material/minor access	396	7/26/87
S	738 Correctns standrds brd/elim Sections 16-21 Sections 1-11, 16, 17, 22 and 23	462	7/26/87 5/18/87 1/1/88
S	739 Bond ceiling/private activty	297	5/8/87
S	743 Econ revitalztn board/laws	422	5/18/87
S	746 Ferries/passngr only/purchas	183	7/26/87
	748 Urban arterial trust account	360	7/26/87
S	750 Farm contractr security bond	216	7/26/87
	753 Crimlnl mistreatmnt/classify	224	7/1/87
S	755 Community corrections	312	7/26/87
2S	758 Wildlife/dept of	506 PV	7/26/87
S	763 Health care/consent	162	7/26/87
S	767 Respiratory care practitrs Section 4	415 PV	7/26/87 9/15/87
	770 School curriculum/envrironmnt	232	7/26/87
	772 Property tax provisions	319 PV	7/26/87
S	773 Voter registration/invalid	359	7/26/87
S	776 School employ/hearing officers	375	7/26/87
S	782 Lobbyist/reporting requirmnts	423	7/26/87
S	783 Milk agreements/cooperatives	164	7/26/87
S	786 School dist/innovative prgrm	401	7/26/87
S	790 Timeshares/laws	370	7/26/87
	795 Marriage/authorized persons	291	7/26/87
S	805 School plant constructn/fund	112	7/26/87
2S	813 Children/Governors cmsn	473 PV	7/1/87
	815 Storm water control	241	7/26/87
	816 Civil service systm/sheriff	251	7/26/87
	825 Motor vehicle fund uses	234	7/26/87
	827 Pupil transportn/bids	141	7/26/87
	831 Horse racing cmsn/revsns	453	7/26/87
S	833 WA efficiency study cmsn	480	7/26/87
	843 Radiation maintenance fund	184	7/26/87
S	844 Dependnt care prgrm/st emply	475	7/26/87
	856 Bed & brkfst industry/study	276	7/26/87
S	857 Teachers scholarship prgrm	437	7/26/87
	865 Duty disability/srvice credit	118	7/26/87
S	876 Methadone treatment programs	410	5/18/87
S	902 Civil service exemptions	339	7/1/87
S	920 Insurance rates/anti-theft	320 PV	1/1/88
S	927 Judgments/enforcement	442 PV	7/26/87
S	928 Subtidal clams/land leasing	374	5/12/87



House No.	Relating to:	Chapter No.	Effective Date	
S	931	Legend drug samples/dispense	411	7/26/87
S	937	Self-insurers/claim forwrng	290	7/26/87
S	942	Medical examiners brd/member	116	7/26/87
	947	MV excise tax/collection	260	7/26/87
	954	Election laws/genderless	295	PV 7/26/87
	959	Init/referendum/cities		Vetoed
S	970	Mental institution/reimburse		Vetoed
S	978	Yakima river basin enhancmnt	517	PV 7/26/87
S	982	Teacher certification	464	7/26/87
S	984	Parimutuel wagers/satellite	347	7/26/87
	985	MV ins reduction/ed courses	377	7/26/87
	992	Utility service termination	356	7/26/87
S	995	Mobile home park purchase	482	PV 7/26/87
S	1004	Chiropractic discipline brd	160	6/30/87
2S	1006	Nursing homes/provisions	476	PV 7/26/87
S	1012	PUD annexation areas	292	7/26/87
	1014	Local improvmts/public corp	242	7/26/87
	1016	County fees reduction	381	7/26/87
	1021	Higher ed opportunity progrm	305	5/11/87
	1027	Timber sale/trust lands	126	4/21/87
	1034	Rail development account	428	7/1/87
S	1035	Rail development commission	429	6/25/87
	1049	Alcohol tests/breath/blood	373	7/26/87
S	1065	Fingerprint I.D. system	450	7/26/87
	1067	Public retirement/options	143	7/26/87
S	1069	Worker comp/obsolete refrcne	185	7/26/87
	1087	Prop tax/arts organizations	468	7/26/87
	1090	Tax exmption/student loan	433	7/26/87
S	1097	Tuition-fee progrm/reciprocl	446	7/30/87
S	1098	Tidelands/fed govt agreement	274	7/26/87
	1123	Grade crossing fund/MV fund	257	7/26/87
S	1128	Retiremnt/part-time teachers	265	7/26/87
S	1132	Tri-Cities/economy	501	5/19/87
	1137	Tax/low-income housing	282	7/26/87
S	1156	Distressed area requirements	461	5/18/87
S	1158	Liquor license/exporters	386	5/15/87
S	1160	Road/maintenance costs/study	424	7/26/87
	1180	Residency/to college in 6 mo	137	7/26/87
	1185	Levy rates/junior tax dists	255	7/26/87
S	1197	School capital projects	413	7/26/87
	1199	Service of process/designee	361	7/26/87
	1204	Sexul abuse/sentencing	131	7/26/87
	1205	Water quality acct/distrib	516	PV 7/26/87
S	1221	Appropriations act/87-89	7	E1 PV 7/1/87
	1228	Alcohol & substance abuse	458	PV 7/26/87
		Sections 13-20		1/1/88
	1239	Fiscal matters		Vetoed
	1260	Nursng home employes/min wage	1	E2 8/11/87
	1261	Chore services/funds	2	E2 8/11/87
	1264	Teachers/salary increases	1	E3 10/16/87

**HOUSE MEMORIALS AND RESOLUTIONS PASSED  
BY BOTH HOUSE AND SENATE**

Fiftieth Legislature  
1987 Regular Session  
1987 First Special Session  
1987 Second Special Session  
1987 Third Special Session

---

No.                      Subject:

---

HOUSE JOINT MEMORIALS

4000	Surface transportation assistance act
S 4023	Radioactive wastes; Hanford
4028	Federal fuel taxes increase act

HOUSE JOINT RESOLUTIONS

4212	Legislative terms; lengthen
4220	School construction funds

HOUSE CONCURRENT RESOLUTIONS

4400	Joint Session; State of the State message
4401	Joint Select Committee on Telecommunications
4404	Senator Al Henry Bridge
4406	Joint Session; Memorial Service
S 4407	Joint Select Committee on Marine and Ocean Resources
4415	Joint Session; Medal of Merit Presentation Ceremony
4418	Joint Select Committee on Employment and the Family
4419	Sine die; 1987 Regular Session; notify Governor
4420	Legislature organized; 1987 First Special Session
4421	Sine die; 1987 First Special Session; notify Governor
4422	Special Session; procedures
4423	Adjourning Sine Die; 1987 First Special Session
4424	Sine die; 1987 Third Special Session; notify Governor

## HISTORY OF SENATE BILLS

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5000.	40					
5001.	40	168				
5001.(Sub)			545	546	1809 2167,2287 2368,2380	2451 C322
5002.	40	122	141	141	1505,1708	2283 C186
5003.	40					
5004.	40					
5005.	41					
5006.	41	480				
5007.	41					
5008.	41	135	517	518	1868 1979,2070	2392 C211
5009.	41	51	75	75	947,961	1111 C31
5010.	41	109	141	141	936 938,941	972 C13
5011.	41	135				
5012.	41	109	142	142	2384,2395	
5013.	41	135	281	281	1820 1899,2041	2403 C228
5014.	41	150				
5014.(Sub)			351	351	989 1039,1144	1447 C36
5015.	41	52	80	80	269,362	448 C3
5016.	42	52	106	106	2384,2395	
5017.	42	52	120	120	1505,1708	2729 PV C202
5018.	42	52				

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5019.	43	109	142	142	973 1039,1144	1447 C33
5020.	43	144				
5020.(Sub)			231	232	2384,2395	
5021.	43					
5022.	43	52				
5022.(Sub)			76	76	585 589,645	803 C5
5023.	48					
5024.	48	371				
5024.(Sub)			473	474	1273 1283,1956 2084,2266 2368,2380	2453 C362
5025.	48	212				
5025.(Sub)			595 603,681	595 603,682	2384,2395	
5026.	48	439				
5027.	48					
5028.	49					
5029.	49					
5030.	49					
5031.	49	220				
5031.(Sub)			321	321	2384,2395	
5032.	49	122	283	283	1594 1637,1709	2283 C191
5033.	49	212	421	421	2384,2395	
5034.	49	160	247	248	947,961	1111 C30

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5035.	49	93	248	248	1461,2167 2232,2288 2377,2380	2650 C425
5036.	49	344	474	474	2384,2395	
5037.	49					
5038.	49					
5039.	50	465				
5040.	50	135	322	323	2384,2395	
5041.	50					
5042.	50				92	
5043.	50					
5044.	50					
5045.	50	176				
5045.(Sub)			390	390	1040 1070,1144	1535 C54
5046.	50	245				
5046.(Sub)			338	338	946 1039,1144	1447 C37
5047.	50	212				
5047.(Sub)			401	401	1220 1296,1301	1962 C98
5048.	50					
5049.	50					
5050.	50	272	402	402,403	2384,2395	
5051.	51	109	518	518	1215 1296,1301	1696 C67
5052.	51	503	597	597	2395	
5053.	51					
5054.	51	191	540	540,557	2384,2395	
5055.	51	380				

NO.	Intro. & Committee 1st Rdg. Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5055.(Sub)		540	540	2384,2395	
5056.	72				
5057.	72				
5058.	72	176			
5058.(Sub)		367	368	1281,1693 2213,2268 2368,2380	2650 C451
5059.	72	122			
5059.(Sub)		143,196	143 196,204	143,230	
5060.	72	93	249	935 938,947	972 C11
5061.	73	116			
5061.(Sub)		249	249	1042,1693 2012,2088 2251,2379	2453 C345
5062.	73	93	155	1111 1144,1224	1696 C66
5063.	73	393,531			
5063.(2nd Sub)		719	719	1840 1979,2071	2669 C486
5064.	73	424,503			
5064.(Sub)		599,682	683	2384,2395	
5065.	73	128			
5065.(Sub)		308	308	2384,2395	
5066.	73	109			
5067.	73	93	368	1111 1144,1224	1696 C71
5068.	73				
5069.	73	92	402	973 1039,1144	1447 C38

NO.	Intro. & Committee 1st Rdg. Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5070.	73	93			
5070.(Sub)			284,287	300	286 2384,2395
5071.	74	110			
5071.(Sub)		604	605	1870 2049,2208 2215,2341 2377,2380	2669 C488
5072.	74	94	541	541	1535,2168 2384,2395
5073.	74	485			
5074.	74	301,422			
5074.(2nd Sub)		729	730	1847 1979,2071	2729 PV C439
5075.	74	160			
5075.(Sub)		546	546	2384,2395	
5076.	74	374,533	667	667	2384,2395
5077.	74				
5078.	74	128			367
5079.	74	220			
5080.	74	364	770	770	1227 1256,1328 1696 C64
5081.	74	220			
5081.(Sub)		434	435	2158,2377 2381,2387	2669 C526
5082.	75				
5083.	77	212			
5083.(Sub)		730	730	2384,2395	
5084.	77	252	338	339	2384,2395
5085.	77	128	230	230	1227 1256,1328 2542 C395

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5086.	77	439,503				
				736,2340	1872	
5086.(2nd Sub)			736	2543	2329,2384	
			2329,2543	2554	2395,2677	
5087.	77					
5088.	78	212				
5088.(Sub)			547	547	1855 1979,2071	2729 VETOED
5089.	78	116				
5089.(Sub)			156	156	1594 1637,1709	2283 C187
5090.	78	465				
5090.(Sub)			606	606	606 2384 2395	606 COMMENTS
5091.	78					
5092.	78					
5093.	78					
5094.	78	456				
5094.(Sub)			570	570	1836 1899,2041	2444 C285
5095.	78					
5096.	78					
5097.	78	128	706	707	1797 1899,2041	2403 C229
5098.	79	220				
5099.	79					
5100.	79					
5101.	79					
5102.	79					



NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5103.	79	168	402	402	2384,2395	
5104.	79	166				
5104.(Sub)			404	404	1697 1709,2041	2400 C225
5105.	79	122	179	179	1043 1070,1144	1447 C34
5106.	79	110				
5106.(Sub)			322	322	961,1301	1696 C65
5107.	79	160				
5107.(Sub)			250	250	1878 1979,2071	2403 C235
5108.	79					
5109.	80					
5110.	80	150	262	263	1878,2137 2251,2379	2650 C465
5111.	80					
5112.	80					
5113.	95	480				
5113.(Sub)			724	725	1799 1899,2041	2730 PV C310
5114.	95	327				
5115.	95	480				
5115.(Sub)			632	632	2007 2043,2299 2384,2395	
5116.	95	327	421	421	2384,2395	
5117.	95	380	474	475	2384,2395	
5118.	95					
5119.	95					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5120.	95	245	339	340	1791 2137,2285 2381,2387	2447 C302
5121.	95					
5122.	96	221				
5122.(Sub)			404,415	415	2384,2395	
5123.	96	257				
5123.(Sub)			405	405	1799 1899,2041	2730 PV C469
5124.	96	311				
5124.(Sub)			422,451	451	1880 1979,2701	2731 PV C311
5125.	96					
5126.	96					
5127.	96					
5128.	96					
5129.	96	503	775	775	1889 1979,2071	2669 C510
5130.	96	145				
5130.(Sub)			261	261	1504 1518,1708	2283 C196
5131.	96	252,424				
5132.	96	311 374,422			107	
5132.(Sub)			800	800	2384,2395	
5133.	97					
5134.	97					
5135.	97	272				
5136.	97	160				

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend-ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5136.(Sub)			265	265	973 1039,1144	1503 C44
5137.	97					
5138.	97	311	548	548	1039,1144	1503 C49
5139.	97	158	324	324	961,1301	1840 C80
5140.	97	533				
5141.	97					
5142.	97	110				
5142.(Sub)			325	325	1855 1979,2071	2444 C280
5143.	97	393				
5143.(Sub)			475	475	1801 1899,2041	2731 PV C404
5144.	98	246				
5144.(Sub)			368	368	1043 1070,1144	1503 C45
5145.	98	503				
5146.	98	311	476	476	973 1039,1144	1503 C50
5147.	98	465				
5148.	98	116	181	181	1111 1144,1228	1696 C60
5149.	98	176	369	369	973 1039,1144	1503 C43
5150.	98	344				
5150.(Sub)			550,551	551	1536 1637,1709	2283 C192
5151.	98					
5152.	99	150,393	476	477	2384,2395	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend-ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5153.	99					
5154.	99	246				
5155.	99	439				
5155.(Sub)			776	776	1111 1144,1224	1962 C100
5156.	99	221				
5156.(Sub)			369	369	2384,2395	
5157.	99	160				
5157.(Sub)			370	370	2384,2395	
5158.	99	311				
5158.(Sub)			667	667	2384,2395	
5159.	99	344	478,495	495	479 1221,2165 2251,2380	2521 C368
5160.	99	136	406	406	1836 1899,2041	2403 C236
5161.	99	158	347	348	1111 1144,1244	1696 C70
5162.	99					
5163.	100	272				
5163.(Sub)			479	479	1811,1832 2168,2262 2284,2328 2382,2387	2650 C467
5164.	100	128	265	265	1227 1256,1328	1962 C90
5165.	100	301				
5165.(Sub)			550	550	2384,2395	
5166.	100				107	
5167.	100					
5168.	102	246				

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend-ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5168.(Sub)			318	318	2384,2395	
5169.	102	116	180	180	2384,2395	
5170.	102	168				
5170.(Sub)			413,416	413,416	1044 1070,1144	1447 C35
5171.	102	456	547	547	392 2384,2395	
5172.	102	161	269	269	1792,2169 2278,2372 2382,2388	2444 C281
5173.	102					
5174.	102	161				
5174.(Sub)			309	309	935 938,947	1039 C29
5175.	102	272,312				
5176.	103	246				
5176.(Sub)			417	417	2384,2395	
5177.	103					
5178.	103	246	495	500	1900 1979,2071	2403 C243
5179.	103	184				
5179.(Sub)			551	551	1223 1296,1301	1696 C72
5180.	103	184				
5180.(Sub)			570	571	1152 1184,1328	1840 C81
5181.	103	327				
5181.(Sub)			571	571	1963 2046,2070	2542 C385
5182.	103	272				
5183.	103	116	181	181	2384,2396	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5184.	103					
5185.	103	150	286	286	1838,2396	
5186.	103					
5187.	104					
5188.	104					
5189.	104	301,374				
5190.	104					
5191.	104	176				
5191.(Sub)			830	830	1963 2046,2070	2406 C249
5192.	104					
5193.	104	257				
5193.(Sub)			351	352	935 938,947	988 C20
5194.	104	122	417	417	1505,1708	2283 C189
5195.	104	158	418	418	1960	
5196.	104	221				
5196.(Sub)			352	352	973 1040,1144	1503 C51
5197.	105	168	548	548	935 938,947	972 C12
5198.	105					
5199.	105	213				
5199.(Sub)			370	370	1111 1144,1224	1840 C82
5200.	105					
5201.	105	422	668	668	1821 1899,2041	2650 C426
5202.	105	257				

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5203.	105	150	266	267	2384,2395	
5204.	110	213	418	418	1111 1144,1224	1696 C58
5205.	110	123	182	182	1227,1256 1296,1328	1696 C73
5206.	110	161 168,273				
5206.(Sub)			430	430	1834 1899,2401	2732 PV C323
5207.	110					
5208.	110					
5209.	110					
5210.	110	213				
5210.(Sub)			452	452	2384,2396	
5211.	111	327			762	
5212.	111	456				
5212.(Sub)			831	831	1836 1899,2401	2400 C217
5213.	111	457				
5213.(Sub)			572	572	2384,2396	
5214.	111					
5215.	111					
5216.	111					
5217.	111	312 439,534	669	669	2050 2088,2354	2406 C248
5218.	111					
5219.	111	510				
5219.(Sub)			745	745	2051 2088,2354	2650 C447
5220.	111					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5221.	111	439				
5222.	111	302				
5222.(Sub)			431	431,434	2384,2396	
5223.	112					
5224.	112					
5225.	112	365,457				
5225.(Sub)			636	638	2058 2088,2354	2449 C314
5226.	112					
5227.	112	169	352	352	1111 1145,1224	1696 C75
5228.	112	177				
5229.	112					
5230.	112	177				
5231.	113					
5232.	113	407				
5232.(Sub)			813	813,834	1965,1970 2046,2070	2444 C278
5233.	113	252				
5233.(Sub)			633	633	2384,2396	
5234.	113	159				
5235.	113	169				
5236.	113					
5237.	113					
5238.	113	159	353	353	2384,2396	
5239.	113	159	354	354	2384,2396	
5240.	114					
5241.	114	184	354	354	2384,2396	



NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amendments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5242.	114					
5243.	114	169				
5244.	114	169	355	355	2384,2396	
5245.	117	221	557	557	1697 1709,2041	2400 C226
5246.	117	151	348	348	2384,2396	
5247.	118	151	349	349	973 1040,1144	1447 C39
5248.	118	151	283	283	1505,1708	2283 C197
5249.	118	213,273				
5249.(Sub)			431	431	1215,2081 2258,2301 2377,2380	2521 C382
5250.	118					
5251.	118	257	813	814	2384,2396	
5252.	118	145,302				
5252.(2nd Sub)			709,717	717	1859 1979,2071	2669 C489
5253.	118	221 258,411				
5253.(Sub)			558	558	1861 1979,2071	2403 C230
5254.	118	145				
5254.(Sub)			267	267	1222 1296,1301	1962 C101
5255.	118					
5256.	118					
5257.	119	504				
5258.	119	480				
5259.	119	534				

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5260.	119	273				
5261.	119					
5262.	119					
5263.	119	312,485	738 2538	738 2538	2384 2396,2677	
5264.	119	213,408				
5264.(Sub)			777	777	2384 2396,2648	
5265.	119	312	502	502	1968 2046,2070	2392 C205
5266.	119	253				
5266.(Sub)			746	746	2384,2396	
5267.	120	159	355	355	2384,2396	
5268.	120					
5269.	120					
5270.	120					
5271.	120	159	559	559	2384,2396	
5272.	120					
5273.	123	312				
5274.	123	374,457				
5274.(Sub)			781	781	1968 2046,2070	2669 C519
5275.	123	328				
5276.	123					
5277.	123	221	737	738	973 1040,1144	1503 C52
5278.	123	221				
5278.(Sub)			683	683	2385,2396	
5279.	123	253				

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5280.	123	436				
5280.(Sub)			676	676	2385,2396	
5281.	123					
5282.	124	184	391	391	2385,2396	
5283.	124	411				
5284.	124					
5285.	124	136				
5285.(Sub)			349	350	1505,1708	2449 C308
5286.	124					
5287.	124	485,504				
5288.	124	273				
5288.(Sub)			559	559	1111 1145,1224	1962 C102
5289.	124	485				
5290.	124	422,534				
5291.	124					
5292.	124	480				
5292.(Sub)			731	731	2385,2396	
5293.	125	302				
5293.(Sub)			761 2533	761 2533	2385 2396,2532 2556,2627	2690 C4E1
5294.	125	312	572	573	2385,2396	
5295.	125	151 169,424				
5296.	125					
5297.	125					
5298.	125					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5299.	125	258				
5299.(Sub)			493	494	1276 1302,1505	2732 PV C443
5300.	125	273,374				
5301.	125	375				
5301.(Sub)			573	573	1227 1256,1328	1962 C94
5302.	125					
5303.	126	457			669	
5304.	126					
5305.	126					
5306.	126	328,375				
5307.	126	365	593,599	595 597,599	2385,2396	
5308.	126					
5309.	126					
5310.	126					
5311.	126	222				
5311.(Sub)			356	356	2385,2396	
5312.	126	177				
5312.(Sub)			401	401	961,1301	2069 C135
5313.	126	504				
5313.(Sub)			669,782	782	2385,2396	
5314.	127	393				
5314.(Sub)			831	831,886		
5315.	127	213				
5316.	127					

HISTORY OF SENATE BILLS

2777

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend-ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5317.	127					
5318.	129	222				
5318.(Sub)			391	391	935 938,947	988 C21
5319.	129	371	684	684	2385,2396	
5320.	129	213	416	416	2385,2396	
5321.	129	273	721	723	2385,2396	
5322.	129	166,169				
5323.	130					
5324.	130	465,485				
5325.	130	246	419	419	2385,2396	
5326.	130	328 375,531				
5326.(Sub)			633	633	1969 2046,2070	2521 C369
5327.	130	313	552	552	1153 1184,1328	1840 C76
5328.	130					
5329.	130	313				
5329.(Sub)			523	523	1081 1145,1224	1962 C91
5330.	130	191,408				
5330.(Sub)			523	523	935 938,947	972 C9
5331.	130	191	357	357	935 938,947	972 C10
5332.	130	380				
5333.	131	313				
5333.(Sub)			524	524	2385,2396	
5334.	131	504				

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5334.(Sub)			634	634	2385,2396	
5335.	131	504	670	670	1823 1899,2041	2669 C477
5336.	131					
5337.	131					
5338.	131	380				
5339.	131	313				
5340.	131	222				
5341.	131					
5342.	131	184				
5343.	131	185	432	432	2385,2396	
5344.	132					
5345.	132	274				
5345.(Sub)			526	526	2385,2396	
5346.	132	191,437			133	
5347.	132	534				
5348.	136	422	574	574	1227 1256,1358	1696 C62
5349.	136	365			210,669	
5350.	136				211	
5351.	136	403	403			
5351.(Sub)			404 405,406	407	938	952 C7
5352.	137					
5353.	137	486			909	
5354.	137					
5355.	137	328	562	562	2385,2396	
5356.	137					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5357.	137					
5358.	138					
5359.	138	375	562	562	2385,2396	
5360.	138					
5361.	138					
5362.	138					
5363.	138					
5364.	138	274				
5364.(Sub)			433	433	2385,2396	
5365.	138	481				
5365.(Sub)			575	575	2385	
5366.	138	440				
5367.	139	481				
5368.	139	258				
5369.	139	344				
5370.	139	365				
5371.	140	185				
5371.(Sub)			400	400	1227 1256,1328	1696 C56
5372.	147	457				
5372.(Sub)			575	575	2385,2396	
5373.	147					
5374.	148					
5375.	148	437,486				
5376.	148	458 486,531				
5376.(Sub)			832	832	2385,2396	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend-ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5377.	148	214				
5377.(Sub)			679	681	1836	
5378.	148	458				
5378.(Sub)			731	731	2385,2396	
5379.	148	313,458	561	561	2385,2396	
5380.	148	534	671	671	2079 2233,2288 2377,2380	2650 C455
5381.	148	274	357	357	1111 1144,1224	1840 C77
5382.	148	486	747	747	2385,2396	
5383.	149	411,534				
5383.(2nd Sub)			684	684	2385,2396	
5384.	149					
5385.	152					
5386.	152					
5387.	152	535				
5387.(Sub)			702	702	2387,2396	
5388.	152					
5389.	152	214				
5389.(Sub)			358	359	1217 1296,1301	1962 C103
5390.	153	440				
5391.	153	394				
5391.(Sub)			566	566	2385,2396	
5392.	153	394				
5392.(Sub)			800	800	1969 2046,2070	2406 C256
5393.	153	375				



NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5393.(Sub)			567	567	2071 2251,2380	2444 C284
5394.	153	486				
5395.	153	274	701	701	2385,2396	
5396.	153	274				
5397.	153					
5398.	153	458,531				
5398.(2nd Sub)			815	824	2385,2396	
5399.	153	274				
5400.	154					
5401.	154	302				
5401.(Sub)			495,502 519,524	524	1893 1899,2396	
5402.	154	424	593	593	1227 1256,1328	1962 C88
5403.	154	253	552	552	1112 1144,1224	1696 C59
5404.	154	365,408				
5404.(Sub)			634	634	2385,2396	
5405.	154	458				
5405.(Sub)			670	670	1861 1979,2071	2453 C365
5406.	154	169				
5407.	154					
5408.	154	375	801	801	1697 1709,2041	2400 C219
5409.	154					
5410.	161	313	527	527	1227 1256,1328	1696 C61
5411.	162	192	358	358	2385,2396	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5412.	162	258	419	419	1504 1518,1708	2283 C198
5413.	162	313	701	702	1505,1708	2283 C199
5414.	162					
5415.	162	314	527	527	961,1301	1696 C68
5416.	162	314	735	735	1505 1518,1708	2283 C200
5417.	162	394				
5417.(Sub)			805	805	1112 1145,1224	1696 C69
5418.	162	274	363	363	1112 1145,1224	1696 C63
5419.	162	504				
5420.	162					
5421.	162	345				
5422.	163	458	836	836	2385,2396	
5423.	163	302				
5423.(Sub)			735	735	1970 2046,2070	2403 C237
5424.	163	394				
5425.	163	511				
5426.	163					
5427.	163	302	364	364	1082 1145,1224	2733 PV C109
5428.	163	361	636,639	640	2237 2368,2380	2542 C400
5429.	164	170	367	367	2385,2396	
5430.	164					
5431.	164					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5432.	164					
5433.	164	328	472	472	973 1040,1144	1447 C40
5434.	164	458				
5435.	164					
5436.	164	314				
5436.(Sub)			517	517	2385,2396	
5437.	164	214	419	420	2385,2396	
5438.	164					
5439.	164	466				
5439.(Sub)			671	671	1828,2131 2325,2364 2377,2380	2650 C466
5440.	165					
5441.	165	258,459				
5441.(2nd Sub)			685	687	1927 2216,2260 2351,2396	
5442.	165	329	553	553	1227 1256,1328	2733 VETOED
5443.	165	486				
5443.(Sub)			641	641	2385,2396	
5444.	165	302	433	433	1504 1518,1708	SEC OF STATE C246
5445.	171					
5446.	171					
5447.	171	481				
5448.	171					
5449.	171					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5450.	171	329	528	528	2385,2396	
5451.	171	504			909	
5452.	171	365,459				
5452.(2nd Sub)			708	709	2385 2396,2648	
5453.	171	425,535				
5453.(2nd Sub)			672	672	1930,2230 2367,2373 2382,2388	2650 C409
5454.	172,303					
5455.	172					
5456.	172	802	802			
5456.(Sub)			907	908	1959 1979,2071	2444 C270
5457.	172	425			305	
5458.	172					
5459.	172	440,535				
5459.(Sub)			837,883	884		
5460.	172	303				
5460.(Sub)			319	319	2385,2396	
5461.	172					
5462.	172					
5463.	172	440,531	640	640	1932 2164,2231 2285,2370 2382,2388	2453 C349
5464.	173	376				
5464.(Sub)			737	737	1862 1979,2071	2408 C266
5465.	173					
5466.	173	303				

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend-ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5466.(Sub)			384	384	1227 1256.1328	1840 C83
5467.	173	511	781	781	2385.2397	
5468.	173					
5469.	173	253	384	384	1504 1518.1708	2283 C195
5470.	173					
5471.	173					
5472.	174					
5473.	174	487				
5474.	174	214	739	739	2385.2397	
5475.	174	214	420	420	2385.2397	
5476.	174	380.487			909	
5477.	174	408				
5478.	174	275	556	557	2385.2397	
5479.	175	381				
5479.(Sub)			748	751	1814.2226 2342.2358 2377.2380	2733 PV C525
5480.	175	258	385	385	2385.2397	
5481.	175					
5482.	175	303				
5483.	175	275	436	436	1980 2046.2070	2650 C448
5484.	177					
5485.	177					
5486.	177	505				
5487.	177					
5488.	177					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend-ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5489.	177					
5490.	178					
5491.	178					
5492.	178	481				
5492.(Sub)			672	672	2385,2397	
5493.	178					
5494.	178					
5495.	178	381				
5495.(Sub)			600	601	1227 1256,1328	1962 C87
5496.	178					
5497.	178	365			909	
5498.	178					
5499.	178	222				
5500.	178	329	429	429	2385,2397	
5501.	179	459,531				
5501.(2nd Sub)			747	748	1803,1808 1899,2041	2406 C259
5502.	179	459				
5502.(Sub)			576,577	578	1971 2046,2070	2453 C344
5503.	179	329				
5504.	179	487,535				
5504.(Sub)			833	833	2385,2397	
5505.	185				210	
5506.	185	466				
5506.(Sub)			673	673	2385,2397	
5507.	186	366			909	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5508.	186					
5509.	186					
5510.	186	437				
5510. (Sub)			752	752	1981 2046,2070	2451 C332
5511.	186	258				
5511.(Sub)			385	385	1989 2046,2070	2451 C326
5512.	186	275				
5512.(Sub)			386	386	1987 2046,2070	2521 C384
5513.	186	275	386	386	1836 1899,2041	2400 C215
5514.	186	366				
5514.(Sub)			553	553	1998 2046,2070	2449 C309
5515.	187	487,535				
5515.(2nd Sub)			642	642	1280 1302,1505	2069 C149
5516.	187					
5517.	187					
5518.	187					
5519.	187	394				
5519.(Sub)			721	721	1105 1145,1224	1962 C104
5520.	187	505				
5520.(Sub)			702	703	1827 1899,2041	2451 C340
5521.	187	329	753	753	2385,2397	
5522.	187	327	814	814	1836 1899,2041	2400 C218

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5523.	187	328	528	528	973 1040,1144	1503 C47
5524.	187					
5525.	188					
5526.	188					
5527.	188				513	
5528.	188					
5529.	188	440	784,808	808	1999 2046,2070	2451 C328
5530.	188	440,532			210	
5530.(Sub)			643	643	2005 2046,2070	2453 C348
5531.	188	345	453	454	211 2385,2397	
5532.	188	466				
5533.	188	481,535				
5533.(Sub)			674	674	2011 2046,2070	2650 C408
5534.	188					
5535.	189					
5536.	192	275	472	472	1082 1145,1224	1696 C57
5537.	192					
5538.	192	394,536				
5338.(2nd Sub)			756	756	2385,2397	
5539.	192					
5540.	192	366,440				
5541.	192	361	529	529	961,1301	1696 C74
5542.	192					



NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5543.	193					
5544.	193	459				
5544.(Sub)			805	805	2385 2397,2648	
5545.	193	441				
5546.	193	329	835	835	2216,2281 2302,2376 2382,2388	2451 C324
5547.	193					
5548.	193					
5549.	193	345	554	554	1934,2137 2251,2380	2444 C286
5550.	193	314,425	754	754	1819 2169 2368,2380	2542 C402
5551.	193					
5552.	193	481				
5552.(Sub)			644	644	2385,2397	
5553.	193	303 459,532			210	
5553.(2nd Sub)			719	720	2385,2397	
5554.	194	303			211	
5555.	194	329,536				
5555.(2nd Sub)			792	792	2238 2368,2380	2734 PV C504
5556.	194	222	549	549	2154 2251,2380	2734 PV C523
5557.	194					
5558.	194	303	500	501,549	2385,2397	
5559.	215					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5560.	215	441				
5561.	215	487				
5561.(Sub)			793	793	1803,1808 1899,2041	2451 C336
5562.	215					
5563.	215					
5564.	215	361	529	529	1295 2368,2381	2444 C275
5565.	215	330				
5565.(Sub)			688	688	1039,1144	1447 C42
5566.	216					
5567.	216					
5568.	216					
5569.	216					
5570.	216	275				
5570.(Sub)			452,454	456	2072 2251,2380	2735 PV C528
5571.	216	366	530	530	1155 1184,1328	2669 C509
5572.	216	330				
5572.(Sub)			770	770	2385,2397	
5573.	216					
5574.	216					
5575.	216					
5576.	217					
5577.	217					
5578.	217					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5579.	217	460	771	771	2385,2397	
5580.	217					
5581.	217	437				
5581.(Sub)			689	689	1039,1144	1503 C46
5582.	217					
5583.	217					
5584.	217	371				
5584.(Sub)			745	745	1836 1899,2041	2400 C221
5585.	217					
5586.	218					
5587.	218					
5588.	218					
5589.	218					
5590.	218					
5591.	218					
5592.	218	394	754	755	2385,2397	
5593.	218	425,532				
5594.	218	330				
5594.(Sub)			530	530	1160 1184,1229	1962 C93
5595.	223					
5596.	223	487				
5596.(Sub)			793	794	2385,2397	
5597.	223	441	840	840	1227 1256,1328	2650 C445
5598.	223	487				

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5598.(Sub)			753	754	1125 1145,1224	1962 C105
5599.	223	460 488,536				
5599.(Sub)			757	757	2385,2397	
5600.	223					
5601.	223					
5602.	223	511				
5603.	223	511			909	
5604.	224	395				
5604.(Sub)			568	569	1960 1979,2071	2444 C271
5605.	224	423	576	576	1805 1899,2041	2403 C244
5606.	224	408				
5606.(Sub)			771	771	2015 2046,2070	2735 PV C502
5607.	224					
5608.	224	330				
5608.(Sub)			541,544	545	2021 2046,2070	2736 PV C335
5609.	224					
5610.	224	505				
5611.	224					
5612.	225					
5613.	225					
5614.	225					
5615.	225					
5616.	225					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5617.	225					
5618.	225					
5619.	225					
5620.	225					
5621.	226	411				
5622.	226	376,505				
5622.(Sub)			740	740	1832,2211 2251,2380	2669 C507
5623.	226					
5624.	226					
5625.	226	314,536				
5625.(Sub)			773	773	2385,2397	
5626.	226	330,505				
5626.(Sub)			740	741	2385,2397	
5627.	226	314	654	654	2385,2397	
5628.	226					
5629.	226					
5630.	227					
5631.	227	304	387	387	2385,2397	
5632.	227	330 376,536				
5632.(Sub)			778	779	2160 2251,2380	2669 C478
5633.	227					
5634.	227	425,536				
5634.(Sub)			689	689	2385,2397	
5635.	227					
5636.	227					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5637.	227					
5638.	227	488			909	
5639.	227	423				
5639.(Sub)			772	772	2385,2397	
5640.	228					
5641.	228	488				
5641.(Sub)			841	841	2385,2397	
5642.	228	412	554	554	1505,1708	2283 C193
5643.	228					
5644.	228	395				
5645.	228					
5646.	228					
5647.	228	466				
5648.	228					
5649.	228	466			909	
5650.	228	466				
5650.(Sub)			791	791	2023 2046,2070	2408 C264
5651.	229					
5652.	229	425				
5653.	229					
5654.	229	441,505				
5654.(2nd Sub)			644	644	2385,2397	
5655.	229	488				
5656.	229					
5657.	229	246	340	342	247	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5658. ....	234	506				
5658.(Sub) .....			809	809		
5659. ....	234	481,532				
5659.(2nd Sub) .....			711	716	1918 1979,2071	2736 PV C524
5660. ....	234					
5661. ....	234					
5662. ....	234	425	777	777	2386,2397	
5663. ....	234					
5664. ....	235	506				
5665. ....	235	466,532				
5665.(Sub) .....			824	826	2386,2397	
5666. ....	235	330	473	473	1836 1899,2041	2669 C520
5667. ....	235	331	577	577	2386,2397	
5668. ....	235	366	542	542	1227 1256,1328	1962 C106
5669. ....	235					
5670. ....	235					
5671. ....	235	488	833	834,864	834	
5672. ....	235					
5673. ....	236					
5674. ....	236					
5675. ....	236					
5676. ....	236					
5677. ....	236					
5678. ....	236	412	555	555	1819,2169 2235,2290 2377,2380	2542 C390

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5679.	236	460				
5679.(Sub)			780	781	1227 1256,1328	1962 C107
5680.	236	345				
5681.	236					
5682.	236	361,460				
5682.(Sub)			741	741	2386,2397	
5683.	236					
5684.	237					
5685.	237	331,342	343,360	360	762 769,852	920 C6
5686.	237	425,488				
5687.	237					
5688.	237	506				
5688.(Sub)			841	841	1219 1296,1301	1962 C97
5689.	237					
5690.	237					
5691.	237	395				
5692.	237	366				
5692.(Sub)			542	542	2386,2397	
5693.	237	441	690	690	2023 2046,2070	2447 C296
5694.	237					
5695.	238					
5696.	238					
5697.	238					
5698.	238					



NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5699.	238					
5700.	238					
5701.	238					
5702.	238	489				
5703.	238					
5704.	238	460				
5704.(Sub)			791	791	2386,2397	
5705.	239					
5706.	239					
5707.	239				371	
5708.	239					
5709.	239					
5710.	239	441				
5710.(Sub)			677		909	
5711.	239					
5712.	239	331	603	604	1106 1145,1224	1962 C96
5713.	239	395				
5714.	239					
5715.	239					
5716.	239					
5717.	239	482				
5717.(Sub)			578	578	1505,1708	2283 C190
5718.	240					
5719.	240	511				
5720.	240	426.				
5720.(Sub)			602	602	2386,2397	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5721.	240					
5722.	240					
5723.	240	408				
5723.(Sub)			543	543	2386,2397	
5724.	240					
5725.	242					
5726.	242					
5727.	242					
5728.	242					
5729.	242	395				
5730.	243	395				
5731.	243	506	827	827	2386,2397	
5732.	243	506	827	828	2024 2046,2070	2408 C267
5733.	243	506				
5734.	243	507				
5735.	243	507	828	828	1836 1899,2041	2400 C227
5736.	243	426				
5737.	243					
5738.	243					
5739.	243	372	579	579	1805 1899,2041	2737 PV C471
5740.	244	507	829	829	1227 1256,1328	1840 C78
5741.	244					
5742.	244					
5743.	244					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5744.	244	412	847	851	2386,2397	
5745.	244					
5746.	244					
5747.	244	314	590	590	1863 1979,2071	2451 C341
5748.	244					
5749.	244					
5750.	244					
5751.	244					
5752.	245					
5753.	254	345,489				
5754.	254	460,537			909	
5755.	254	482				
5756.	255					
5757.	255	489	718	718	2386,2397	
5758.	255					
5759.	255					
5760.	255					
5761.	259	461				
5761.(Sub)			596	596	1227 1256,1328	1840 C79
5762.	259					
5763.	259	412				
5763.(Sub)			596	597	1039,1144	1503 C48
5764.	259	381	543	543	2025 2046,2070	2451 C342
5765.	259	381				

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5766.	259	441				
5767.	259	442,489				
5768.	259	396				
5769.	259	507				
5770.	260	331				
5770.(Sub)			591	591	2386,2397	
5771.	260	482				
5772.	260	489,537				
5772.(2nd Sub)			842	842		
5773.	260					
5774.	260	461	734	734	1836 1899,2041	2406 C252
5775.	260					
5776.	260	489				
5777.	260					
5778.	260					
5779.	260	507				
5779.(Sub)			655	655	1219 1296,1301	1962 C99
5780.	261	381	705	706	1836 1899,2041	2408 C268
5781.	261					
5782.	261					
5783.	261	396	794	795	2386,2397	
5784.	261					
5785.	261					
5786.	276					
5787.	276	376				

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5787.(Sub)			579	579	2386,2397	
5788.	276	423	804	804	2386,2397	
5789.	276	507				
5790.	276					
5791.	276					
5792.	276					
5793.	276					
5794.	276					
5795.	277					
5796.	277					
5797.	277					
5798.	277					
5799.	277					
5800.	277					
5801.	277	490				
5801.(Sub)			795	798	2064 2088,2354	2737 PV C515
5802.	277					
5803.	277					
5804.	277					
5805.	277					
5806.	277					
5807.	277					
5808.	277					
5809.	278					
5810.	278					
5811.	278					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5812.	278					
5813.	278					
5814.	278	507				
5814.(Sub)			655	656	1935 2170,2251 2368,2380	2449 C313
5815.	278					
5816.	278					
5817.	278					
5818.	278					
5819.	278					
5820.	278					
5821.	278	442	661	662	2163	
5822.	278	442	700	700	1227 1256,1328	1962 C92
5823.	279					
5824.	279	376				
5824.(Sub)			544	544	1461 1505,1708	2283 C188
5825.	279	467				
5825.(Sub)			690	690	1938 2170,2270 2368,2380	2521 C383
5826.	279					
5827.	279					
5828.	279					
5829.	279					
5830.	279	467				
5830.(Sub)			804	804	961,1301	1840 C84

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5831.	279	437	807	807	2386,2397	
5832.	279	376,537	829	829	2386,2397	
5833.	279	367,461				
5834.	280	412	580	580	2386,2397	
5835.	280	442				
5835.(Sub)			691	691	2386,2397	
5836.	280					
5837.	280				371	
5838.	280	461				
5838.(Sub)			656,687	688	1939,2132 2222,2269 2368,2380	2449 C317
5839.	280	511				
5840.	280					
5841.	306					
5842.	306					
5843.	306	442				
5844.	306					
5845.	306	467,537				
5845.(2nd Sub)			656	657	1227 1256,1328	1962 C95
5846.	306	396				
5846.(Sub)			657	657	1830 2132,2290 2377,2380	2738 PV C427
5847.	306					
5848.	307	508			909	
5848.(Sub)			865			
5849.	307	442				

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5849.(Sub)			567	567	935 938,947	972 C14
5850.	307	437				
5850.(Sub)			843	846	2065 2088,2354	2738 PV C397
5851.	307					
5852.	307					
5853.	307	490				
5854.	307	508				
5854.(Sub)			675	675,784	1943 2165,2286 2368,2371 2375,2397	
5855.	307				371	
5856.	307	482				
5857.	307	508				
5857.(Sub)			691	691	1866 1979,2071	2738 PV C416
5858.	315	482 490,537				
5858.(Sub)			757	757	1227 1256,1328	1962 C89
5859.	315					
5860.	315					
5861.	315	467	752	752	1697 1709,2041	2283 C194
5862.	315	376				
5863.	315	376	658	658	2026 2046,2070	2406 C253
5864.	316	376				



NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5865.	316					
5866.	316					
5867.	316					
5868.	316	467				
5868.(Sub)			692	692	2386,2397	
5869.	316	442	758	758	2386,2397	
5870.	319					
5871.	319	482,537				
5871.(2nd Sub)			774	775,778	2164 2251,2380	2444 C287
5872.	319					
5873.	320					
5874.	320					
5875.	320					
5876.	320					
5877.	320					
5878.	320	508				
5879.	320					
5880.	320	508				
5880.(Sub)			783	783	2026 2046,2070	2650 C459
5881.	320					
5882.	320	461	863	864	2035 2046,2070	2447 C303
5883.	320					
5884.	320					
5885.	321	409,461				
5885.(Sub)			692	693	2386,2397	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5886.	321	467				
5886.(Sub)			809	810	2386,2397	
5887.	321	483				
5887.(Sub)			758	760	2386,2397	
5888.	331	461				
5889.	331					
5890.	332	468			728	
5891.	332					
5892.	332	490				
5892.(Sub)			860	860	1227 1256,1328	1962 C108
5893.	332					
5894.	332					
5895.	332	396				
5896.	332					
5897.	332					
5898.	332					
5899.	332					
5900.	332					
5901.	332	2042	2208		2209,2398	
5901.(Sub)			2537,2539	2542	2670 2674,2676	2739 PV C8E1
5902.	333					
5903.	333					
5904.	333					
5905.	333					
5906.	333					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5907.	333					
5908.	333					
5909.	333					
5910.	333					
5911.	333	462				
5911.(Sub)			727	727.783	728 744,1504 1518,1708	2740 PV C472
5912.	333					
5913.	333					
5914.	333					
5915.	334					
5916.	334					
5917.	334					
5918.	334					
5919.	334					
5920.	334					
5921.	334					
5922.	334					
5923.	334					
5924.	334					
5925.	334					
5926.	334					
5927.	334					
5928.	334					
5929.	334					
5930.	334					
5931.	335					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5932.	335					
5933.	335					
5934.	335	508				
5935.	335					
5936.	335	462	654	654	1594 1632,1709	2283 C201
5937.	335	462	741	741	2386,2397	
5938.	335	490	760	760	2386,2397	
5939.	335	462	581	581	2386,2397	
5940.	335					
5941.	335	483				
5941.(Sub)			694	694	1951 2386,2397	
5942.	336					
5943.	336	377	582	583	2386,2397	
5944.	336	468				
5944.(Sub)			861	861	1227 1256,1328	2740 VETOED
5945.	336	490				
5946.	336					
5947.	346					
5948.	346	609	798	798	2027 2046,2070	2449 C318
5949.	346	468				
5950.	346					
5951.	346					
5952.	346					
5953.	346	462	742	742	2386,2397	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5954.	346					
5955.	346	509	861,867	867,868	1246 1273	1297 C32
5956.	346	490	660	660	1227 2046,2070	2741 VETOED
5957.	346	483				
5958.	362	468	742	743	2386,2397	
5959.	362					
5960.	362					
5961.	362	509				
5962.	362					
5963.	363					
5964.	363					
5965.	363					
5966.	377					
5967.	378					
5968.	378					
5969.	378					
5970.	378					
5971.	378					
5972.	378	468	881	883	2028 2046,2070	2408 C269
5973.	378	468,538				
5973.(Sub)			703	703	2386 2397,2648	
5974.	378	468				
5975.	378					
5976.	388	462	870	870	2031 2046,2070	2403 C233

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5977.	388	509				
5977.(Sub)			743	743	1953,2211 2251,2380	2444 C279
5978.	388	491				
5978.(Sub)			659	659	1795 2223,2300 2377,2381	2451 C334
5979.	388					
5980.	388					
5981.	388					
5982.	388					
5983.	388					
5984.	388	491				
5984.(Sub)			862	862		
5985.	388	483				
5986.	388	483,533				
5986.(2nd Sub)			659	659	1865 1979,2071	2669 C479
5987.	389					
5988.	389					
5989.	389					
5990.	389					
5991.	389					
5992.	389					
5993.	389	509,533				
5993.(2nd Sub)			799	799	1697 1709,2041	2451 C343
5994.	389					
5995.	389					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5996.	389	509,533	868 878,879	878,880	1954 2300,2380 2382,2388	2669 C492
5997.	389					
5998.	389					
5999.	397					
6000.	397					
6001.	397	462 491,538				
6001.(Sub)			728	728	2386,2397	
6002.	397	463				
6002.(Sub)			812	812	2386,2397	
6003.	397	463	704	705	2032 2047,2070	2669 C491
6004.	397	538				
6005.	397					
6006.	397					
6007.	397					
6008.	397	483				
6008.(Sub)			744	744	2386,2397	
6009.	398					
6010.	398	463			410	
6010.(Sub)			876	876	2032 2047,2070	2742 VETOED
6011.	398					
6012.	398	443	676	676	1795,2170 2235,2291 2377,2381	2444 C277
6013.	398	491				
6013.(Sub)			720	720	2033 2047,2070	2451 C329

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend-ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
6014.	398					
6015.	398					
6016.	398	2410	2410			
6016.(Sub)			2414	2430	2566,2627	2742 PV C9E1
6017.	398					
6018.	398					
6019.	398					
6020.	398	916	920			
6020.(Sub)			954	954	2386,2397	
6021.	426					
6022.	426					
6023.	426	469				
6023.(Sub)			583	583	2034 2047,2070	2447 C289
6024.	426					
6025.	426					
6026.	427					
6027.	427					
6028.	427	511				
6029.	427,645				438	
6030.	427					
6031.	427	463				
6032.	427	510				
6033.	427	463				
6033.(Sub)			811	811	2219 2386,2368	2669 C495



NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
6034.	427					
6035.	427	463				
6036.	427	463				
6036.(Sub)			583	584	2386,2397	
6037.	427	491				
6038.	428	483	761	761	973 1040,1144	1447 C41
6039.	428					
6040.	444	510	704	704	2386,2397	
6041.	444	512			470	
6042.	444	469			909	
6043.	444					
6044.	444					
6045.	444					
6046.	444	510				
6047.	444	484				
6048.	444	491				
6048.(Sub)			635	635	2034 2047,2070	2742 PV C212
6049.	445					
6050.	445					
6051.	445					
6052.	445	512				
6053.	445	463	748	748	2297 2377,2381	2743 PV 508
6054.	448					
6055.	448	533				

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend-ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
6055.(Sub)			884,2566	885,2566	2386 2397,2557 2566,2648	
6056.	469					
6057.	469					
6058.	469	512				
6058.(Sub)			663	665	2386,2397	
6059.	469					
6060.	469					
6061.	469	491				
6061.(Sub)			799	799	1697 1709,2041	2669 C474
6062.	492	512			513	
6062.(Sub)			812	813	909	
6063.	492	512			503,513	
6064.	492	538				
6064.(Sub)			885	885	2078 2251,2380	2669 C483
6065.	492	512	885	886	513,1227 1256,1328	1840 C85
6066.	515					
6067.	585					
6068.	645					
6069.	806					
6070.	905					
6071.	905	976				
6072.	952					
6073.	1534		1534,1891	1892	1893 2397,2648	
6074.	1594					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
6075.	1595				2557	
6076.	2408	2410	2410,2430			
6076.(Sub)			2431	2434	2435,2568 2628,2640	2743 PV C10E1
6077.	2447		2448		2649	
6078.	2681		2682	2682	2683 2685,2687	2693 C3E2
6079.	2688				2688	
6080.	2688				2688	
6081.	2688				2688	
6082.	2688				2688	
6083.	2688				2688	
6084.	2686		2685	2685	2686,2687	2693 C4E2
6085.	2694		2694,2697	2700	2701,2711 2712,2713	2728 C2E3
6086.	2701		2701		2712	
6087.	2712					
6088.	2701					
6089.	2701					
6090.	2701					

## HISTORY OF SENATE JOINT MEMORIALS

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action
8000.	80	304	555	555	1594 1637,1709
8001.	105	222			
8002.	114	170			
8002.(Sub)			347	347	2386,2398
8003.	127	409	450	450	2386,2398
8004.	140				
8005.	140	222	387	387	1836 1899,2041
8006.	229	484	666	666	1112 1145,1224
8007.	255	396	871	871	2386,2398
8008.	307	396	556	556	1462 1505,1708
8009.	316	412	876	876	2386,2398
8010.	336	464			
8011.	347	464	666	666	2386,2398
8012.	347	492			
8012.(Sub)			661	661	2386,2398
8013.	347	492			
8013.(Sub)			661	661	2386,2398
8014.	363				
8015.	428	510	875	875	2386,2398
8016.	428	464	877	877	1697 1709,2041
8017.	734		734	734	803 804,852

## HISTORY OF SENATE JOINT RESOLUTIONS

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action
8200.	51				
8201.	51	214			
8201.(Sub)			725	726	
8202.	51				
8203.	75	144			
8204.	80				
8205.	105				
8206.	105				
8207.	114	123	195	195	1505,1708
8208.	127				
8209.	127				
8210.	132	276	597,598	598,784	784 801,909
8211.	140	492			
8212.	165	361	584	584,591	1504 1518,1708
8213.	218				
8214.	240				
8215.	240				
8216.	241				
8217.	952				

## HISTORY OF SENATE CONCURRENT RESOLUTIONS

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action
8400.	8		8	8	8,23,72
8401.	83		83	92	117,129
8402.	100		100	100	117,129
8403.	132				
8404.	132	192	382	382	1868 1979,2071
8405.	132	345			
8406.	149	276	769	769	1829 2171,2263 2363,2398
8407.	229				
8408.	241	484	663	663	1125 1145,1224
8409.	448	492			
8410.	448	510	1641	1641	2386,2398
8411.	586				
8412.	586	909			
8412.(Sub)			993	993,2537	2386 2398,2536 2539,2677
8413.	649	911	1283	1283 2536	2386,2536 2567,2579 2627,2398
8414.	2381		2381	2381	2384 2388,2389
8415.	2381		2381	2381	2388,2389
8416.	2392		2392	2392	2399,2400
8417.	2447				
8418.	2648		2648	2648	2676,2677
8419.	2680		2680	2680	2681,2685

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action
8420. ....	2688				2688
8421. ....	2689		2689	2689	2690
8422. ....	2692		2693	2693	2693 2697,2702

## HISTORY OF SENATE FLOOR RESOLUTIONS

NUMBER, AUTHOR AND SUBJECT	Introduced	Floor Action	Other Action
8600. Senators Bottiger, Fleming, Hayner, Sellar: SENATE ORGANIZED/HOUSE NOTIFIED.		7	
8601. Senators Bottiger, Fleming, Hayner, Sellar: SENATE COURTESIES EXTENDED.		8	
8602. Senators Rasmussen, Vognild, Talmadge: SENATE RULES.	8	8,23,81	
8603. Senators Fleming, McDermott, Wojahn, Smitherman, Gaspard, Sellar, Conner, Warnke, Bender, Talmadge, Lee, Johnson, Rinehart, Bailey, Metcalf, McDonald, Garrett: DR. MARTIN LUTHER KING HOLIDAY OBSERVED.		107	
8604. Senator DeJarnatt: ABERDEEN ELKS BAND HONORED.		166	
8605. Senators Warnke, Conner, Rasmussen, Gaspard, Pullen, Tanner, Zimmerman, Bauer: COMMANDER SCOBEE HONORED.		151	
8606. Senators Zimmerman, Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kreidler, McDermott, Moore, Owen, Peterson, Rasmussen, Rinehart, Smitherman, Stratton, Talmadge, Tanner, Vognild, Warnke, Williams, Wojahn, Sellar, Lee, Barr: BOY SCOUTS OF AMERICA HONORED.		247	
8607. Senators Gaspard, Bottiger, Conner, von Reichbauer: NATIONAL CATHOLIC SCHOOL WEEK.		210	
8608. Senators Peterson, Metcalf, Zimmerman: SKAGIT COUNTY TULIP FESTIVAL:		382	
8609. Senators Bailey, Zimmerman, Rasmussen, Fleming, Gaspard, Hansen: FUTURE FARMERS OF AMERICA HONORED.		414	
8611. Senators Rasmussen, Williams, Bauer, Barr, Benitz, Tanner, DeJarnatt, Vognild, Zimmerman: EPA RATE INCREASE.		281	
8612. Senators Gaspard, Rinehart, Fleming, Metcalf, Kiskaddon, Patterson, Conner, Johnson, Zimmerman: VOCATIONAL EDUCA- TION WEEK.		282	
8613. Senator Williams: GEORGE WASHINGTON/CENTENNIAL CELEBRATION.		359	
8614. Senators Sellar, Benitz, Vognild, Rasmussen: CHAMBERS OF COMMERCE MONTH.		471	
8616. All Senators: Sid Snyder, Secretary of the Senate; Bill Gleason, Assistant Secretary of			



NUMBER, AUTHOR AND SUBJECT	Introduced	Floor Action	Other Action
the Senate; Lieutenant Governor John A. Cherberg; Ole Scarpelli, Sergeant at Arms: GARY L. PARKS HONORED.		324	
8617. Senators Conner, Rasmussen: AUSTRALIA/GROUP STUDY TEAM.		526	
8618. Senators Anderson, Rasmussen, Conner, Kiskaddon, Metcalf: VETERANS MEMORIAL.		429	
8619. Senators Bottiger, Warnke, Garrett: GREEN RIVER 'GATORS BASKETBALL TEAM HONORED.		450	
8620. Senators Bauer, Zimmerman, Tanner, DeJarnatt, Rasmussen, Pullen: TROOPER JAMES S. GAIN HONORED.		471	
8621. Senators Gaspard, Benitz: DENNIS D. COPLEN HONORED.		472	
8622. Senators Moore, Talmadge: BILLY JOE THOMAS DAY.		525	
8623. Senators Garrett, Vognild: VANCOUVER POLICE PIPE BAND.		591	
8624. Senators Halsan, Rasmussen, Zimmerman: TROOPER ROBERT A. COSSER HONORED.		563	
8626. Senators Kiskaddon, Moore, Bender, Rinehart, Pullen, Gaspard, Rasmussen, Zimmerman, Lee: INGRAHAM HIGH SCHOOL ACADEMIC DECATHLON.		890	
8628. All Senators: GIRL SCOUTS OF AMERICA HONORED.		592	
8629. Senator Metcalf: UW STADIUM COLLAPSE/ART SCULPTURE.		886	887
8630. Senators Hansen, Rasmussen, Zimmerman: NATIONAL AGRICULTURE WEEK.		877	
8631. Senators Saling, Stratton, West, McCaslin, Barr, Vognild, Rasmussen, Pullen, Zimmerman, Gaspard: FAIRCHILD A.F.B. PLANE CRASH.		780	
8632. Senators McDermott, Fleming: GARFIELD HIGH SCHOOL BULLDOGS.		826	
8633. Senators Bottiger, Bauer, Bender, Conner, Craswell, Halsan, McCaslin, Metcalf, Moore, Nelson, Owen, Rasmussen, Smitherman, Vognild, Warnke, West: SENATE MURALS/REMOVE.		974	
8634. Senator Halsan: MORTON HIGH SCHOOL HUSKIES.		924	
8635. Senators Halsan, Rasmussen: ONALASKA LOGGERS FOOTBALL TEAM.		936	

NUMBER, AUTHOR AND SUBJECT	Introduced	Floor Action	Other Action
8636. Senators DeJarnatt, Tanner: MARK MORRIS BOYS BASKETBALL TEAM.		953	
8638. Senators DeJarnatt, Tanner: MARK MORRIS GIRLS BASKETBALL TEAM.		952	
8639. Senator Gaspard: SPECIAL ED STUDENTS/STUDY.		2535	2535
8640. Senators Gaspard, Bottiger: DAFFODIL FESTIVAL HONORED.		992	
8641. Senator Zimmerman: BICKLETON HIGH SCHOOL SENIOR CLASS.		2521	2442
8642. Senators Gaspard, Hansen, Warnke, Sellar, Anderson: LEO AND DEAN NICHOLSON HONORED.		1169	
8643. Senators Owen, von Reichbauer: ELIZABETH MEADOWCROFT HONORED.		1126	
8644. All Senators: VLADIMIR AND MARIA SLEPAK DAY.		1125	
8645. Senators Gaspard, Rinehart, Patterson, Saling: FULL-TIME TUITION REDEFINED.		2522	2442
8646. Senators Kreidler, Halsan, Rasmussen: OLYMPIA POSTMARK PRESERVED.		1978	
8647. Senators Smitherman, Rasmussen: KERN RIVER PIPELINE PROJECT.		2249	
8648. All Senators; Lieutenant Governor John A. Cherberg; Sid Snyder, Secretary of the Senate; Bill Gleason, Assistant Secretary of the Senate; Ole Scarpelli, Sergeant at Arms: DR. JOHN TERREY HONORED.		1515	
8649. Senators Conner, Vognild, Pullen: POW'S/MIA'S RETURN.		2522	2442
8651. Senators Bottiger, Rasmussen, Johnson: PIERCE COUNTY SHERIFF DEPARTMENT HONORED.		2523	2442
8657. Senators Rinehart, Zimmerman: CULTURAL EXCHANGE AGREEMENTS (Billy Joe Thomas).		2249	
8658. All Senators; Lieutenant Governor, John A. Cherberg; Sid Snyder, Secretary of the Senate; Bill Gleason, Assistant Secretary of the Senate; Ole Scarpelli, Sergeant at Arms: WASHINGTON SCHOLARS HONORED.		1695	
8659. Senators Bailey, Vognild: HI-Q PROGRAM/EVERETT COMM. COL.		2524	2442
8660. Senators Stratton, West, Vognild, McCaslin, Owen, Barr, Patterson, Saling, Hansen, Newhouse, Benitz, Sellar, Rasmussen.			

NUMBER, AUTHOR AND SUBJECT	Introduced	Floor Action	Other Action
Metcalf: LAW ENFORCEMENT OFFICERS MEMORIAL PROJECT.		1978	
8662. Senators Halsan, Johnson: CORRECTIONAL OFFICERS/EARLY RETIREMENT STUDY		2639	2638
8663. Senators McDermott, Newhouse, West, Fleming: EQUAL OPPORTUNITY GRANT PROGRAM.		2630	
8664. Senator Conner: DAYLIGHT GILLNET FISHING.		2524	2442
8665. Senators Gaspard, Wojahn, Lee, Warnke: FOOD SERVICES/STATE INVOLVEMENT/STUDY.		2536	2535
8666. Senators West, Stratton, Warnke, McCaslin, Saling, Patterson, Bauer, Bailey, Nelson, Anderson: IDAHO TAX/NON RESIDENT COMMON CARRIER EMPLYS.		2525	2443
8668. Senators Bottiger, Johnson: A.N.W.R./OPEN TO OIL AND GAS EXPLORATION.		2525	2443
8669. Senator Gaspard: EDUCATION WEEK.		2526	2443
8670. Senators Peterson, Bender: "TRANSPORTATION IN THE FUTURE" SYMPOSIUM.		2527	2443
8671. Senators Peterson, Conner: SHAKE/SHINGLE INDUSTRY/L&I INSURANCE REVIEW.		2527	2443
8674. Senators Metcalf, Owen, Craswell, Barr: WASHINGTON WILDLIFE WEEK OBSERVED.		2528	2443
8675. Senators Bottiger, Fleming, Hayner, Sellar: INTERIM PROVISIONS.		2386	
8676. Senators Bottiger, Fleming, Hayner, Sellar: SINE DIE/HOUSE NOTIFIED.		2387	
8677. Senators Bottiger, Fleming, Hayner, Sellar: SENATE ORGANIZED/HOUSE NOTIFIED.		2391	
8678. Senators DeJarnatt, Zimmerman, Bauer, Tanner, Conner: COLUMBIA RIVER EXPLORATION/200 YRS. ANNIV.		2528	
8679. Senators Craswell, Rasmussen, Patterson, Hayner, Barr: ELKS LODGE HOOP SHOOT/WASH. CONTESTANTS.		2529	
8680. Senators Gaspard, Bailey, Rasmussen, Zimmerman, Kiskaddon, Johnson, Warnke, Conner: TEACHER APPRECIATION WEEK.		2410	
8681. Senators Sellar, Bottiger, Hayner, Fleming, Newhouse, Vognild, Rasmussen: LEWIS R. HOLCOMB HONORED.		2529	

NUMBER, AUTHOR AND SUBJECT	Introduced	Floor Action	Other Action
8682. Senators Smitherman, Warnke, Fleming, Vognild, Johnson: SMALL BUSINESS CONFER- ENCE.		2530	
8683. Senators Wojahn, Anderson, Deccio, Stratton, Kreidler: LEGEND DRUG SAMPLES DISTRIB./STUDY.		2530	
8684. Senators Cantu, Peterson: TRAFFIC SAFETY/LOCAL COMMUNITIES/STUDY.		2530	
8685. Senators Owen, Smitherman: JAMES ALLEN POMPEY HONORED.		2454	
8686. Senators Gaspard, Kiskaddon, Saling, Zimmerman: STUDENT SELF-ESTEEM.		2531	
8687. Senators Halsan, Nelson, Wojahn, Bottiger, Moore: NORWEGIAN INDEPEN- DENCE DAY.		2543	
8689. Senators Kreidler, Halsan: OLYMPIA "ALL-AMERICAN CITY".		2639	
8690. Senators Bauer, Zimmerman, Tanner, DeJarnatt: VANCOUVER "ALL-AMERICAN CITY".		2640	
8691. Senators Bottiger, Fleming, Hayner, Sellar: SINE DIE/HOUSE NOTIFIED.		2677	
8692. Senators Vognild, Fleming, Hayner, Sellar: SENATE ORGANIZED/HOUSE NOTIFIED.		2681	
8693. Senators Vognild, Fleming, Hayner, Sellar: SINE DIE/HOUSE NOTIFIED.		2689	
8694. Senators Vognild, Fleming, Hayner, Sellar: SENATE ORGANIZED/HOUSE NOTIFIED.		2693	
8695. Senators Vognild, Fleming, Hayner, Sellar: SINE DIE/HOUSE NOTIFIED.		2713	

## HISTORY OF HOUSE BILLS

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1.	428	896	906	906	426,938	C23
2.(Sub)	165	928	1048	1048	161,1698 2039,2044	PV C449
3.	316	896	1053	1053	315,1698 2039,2044	C490
4.(Sub)	696	928	1048	1050	695,1698 2039,2044	C403
6.	149	253	518	518	147,539	C4
7.(Sub)	645	962			645,2382	
9.(Sub)	165	896	906	906	161,938	C18
10.	891	939	1191	1191	888 2224,2225 2381,2388	C417
11.(Sub)	149	896	907	907	147,938	C17
12.(Sub)	585	896			584,2382	
13.(Sub)	280				269,2382	
15.(Sub)	445				443,2382	
16.(2nd Sub)	470	939	1161	1162	469,1961 2071,2088	C405
20.(Sub)	336	956			331,2382	
22.(Sub)	219	911			215,2382	
23.(Sub)	245	928			242,2382	
24.	764	979	1626	1626	733,2069 2137,2216	C294
25.(Sub)	316	916	999,1084	1085	315,1698 2039,2044	PV C505
26.(Sub)	165	916	1185 1468,1474	1475	161 1475,1567 1890,2137 2354,2355	PV C511
31.	189	902	1050	1051	185,1225	C132

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
39. ....	445	928	1112	1113	443,1698 2039,2044	C298
42.(Sub) .....	399	956	1191	1191	396 1302,1329	C154
44. ....	445	939	1071	1071	443,1225	C155
46.(Sub) .....	871				859,2382	
47.(Sub) .....	891	962	1625	1626	888,2137 2354,2355	C418
48.(Sub) .....	696	948	1560	1561	695,1836 2071,2088	PV C460
49. ....	336	939	1071	1071	331,1225	C115
51. ....	189	902	1072	1072	185,1225	C128
53.(Sub) .....	696				695,2382	
55.(Sub) .....	764	939	1128	1128	733 1328,1329	C159
56.(Sub) .....	316	956	1163	1165	315 2071,2088	C258
60.(Sub) .....	445	902	1192	1192	443 1302,1329	C148
63.(Sub) .....	445	897	1128	1129	443,2083 2232,2354 2379,2380	C432
64. ....	446	902	1083,1114 1117,1151	1083 1114 1152	443 2014,2208	
66. ....	764	928	1129	1129	733 1328,1329	C139
67. ....	696	956	1284	1284	695 1504,1505	C493
68. ....	189	948	1060	1061	185,1225	C123
75. ....	189	948	1116	1116	185,1225	C124
76. ....	764				733,2382	
80.(Sub) .....	645	929	1540	1540	645,2040 2137,2216	C391

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
83.(Sub)	316	956	1635	1637	315,2171 2252,2284 2381,2388	C463
86.	585	979	1192	1193	584,1698 2040,2044	C315
88.(Sub)	585	957	1284	1288	584,2038 2236,2374 2379,2380	PV C414
91.	245	976	1507	1510	242 2040,2355	C387
94.	399	695	1193	1194	396,2040 2137,2216	C444
95.(Sub)	585	911	994	994	584,1698 2040,2044	C321
96.	446	940	1116	1116	443,1225	C156
97.(Sub)	871	976			859,2382	
98.(Sub)	399	648	920	920	396 937,938	C26
99.(Sub)	470	957	1194,1437	1437	469,1960 2071,2088	C431
110.	399	979	1289	1289	396 1504,1505	C204
112.	133	962			129,2382	
114.(Sub)	363	940	1129	1130,1231	362 1130,1176	
115.(Sub)	852	979			851,2382	
116.(Sub)	649	979	1289	1291	648 1693,2138 2219,2282 2381,2388	C354
117.(Sub)	764	979			733,2382	
118.(Sub)	696	976			695,2382	
124.(Sub)	245	911	1117	1117	242,1225	C110
125.	317	912			315,2382	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
129.(Sub)	764	979	1108	1109	733,1698 2040,2044	PV C512
130.(Sub)	317	940	1166	1168	315,1698 2040,2044	C254
134.(Sub)	696	948	1090	1091,1095	695,1698 2040,2044	PV C412
135.	245	929	1119	1121	242 1694,2140 2220,2282 2381,2388	PV C389
136.	133	912	1127	1127	129 1328,1329	C114
138.(Sub)	852	940	1562	1562	851,1709	C231
140.(Sub)	446				443,2382	
141.	764	916			733,2382	
142.	446	940	1127	1128	443 1328,1329	C152
143.(Sub)	871				860,2382	
146.	245	948	1061	1061	242,1225	PV C338
147.(Sub)	250	929	1171	1171	250 1328,1329	C130
148.	166	912	1112	1112	161,1225	C111
151.	189				185,2382	
152.(Sub)	189	957			185,2382	
153.(Sub)	189	949	1228	1228	185 1504,1505	C206
154.(Sub)	470	917	1597	1597	469 2040,2044	C238
157.	649	940			648 2353,2382	



NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
161.	586	976	1543	1546	584 2132,2367 2375,2378 2379,2380	C454
163.(2nd Sub)	853	962	1291	1293	851,1698 2040,2044	C307
164.(2nd Sub)	891	980	1439	1443	888,2069 2354,2355	PV C513
168.(Sub)	871	980	1130	1133	860,2040 2137,2216	C325
170.(Sub)	446	902	1229	1230	443 2014,2248 2381,2388	C380
171.	446	897	1705	1705	443 2069,2355	PV C407
173.	586	917	1033		584 1836,2382	
177.(Sub)	586				584,2382	
186.(Sub)	872	941	1133	1133	860 1328,1329	C120
187.	399	912	1092	1092	396,1225	C151
188.(Sub)	280	929	1298	1298	269 1504,1505	C161
194.	649	897	1298	1299	648 1504,1505	C203
196.(2nd Sub)	764	917	1085	1089	733 801,1698 2040,2044	PV C388
197.	446	941	1299	1299	443 1504,1505	C168
198.(Sub)	428	897	1054	1054	426,1698 2040,2044	C245
199.	446	897	1299	1299	443 1504,1505	C166
200.	446	897	1300	1300	444 1504,1505	C207

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
203.	446	898	1300	1300	444 1504,1505	C208
204.	447	898	921	921	444 937,938	C27
205.	447	898	1172	1172	444 1328,1329	C153
208.(Sub)	447				444,2382	
209.	447	898	1092,1107	1107	444,1698 2040,2044	C496
210.(2nd Sub)	891	957			888,2382	
217.(Sub)	586	898	1294	1295	584,1959 2071,2088	C363
220.	336	912	1445,1498	1498	331,1698	C484
221.(2nd Sub)	853	929	1068	1070	851 2069,2355	C304
223.(Sub)	764	963			733,2382	
226.(Sub)	649	912	1056	1056	648 2069,2355	VETOED
231.(Sub)	447	949	1562	1563	444,1709	C394
232.(Sub)	280	903	1134	1134	269 1328,1329	C125
235.	586	929	1061	1061	561,1225	C144
237.(Sub)	189	957	1062	1067	185,1698 2040,2044	C214
238.(Sub)	646	917	1054	1055	645,1698 2040,2044	C239
240.(Sub)	336				331,2382	
243.(Sub)	872	957			860,2382	
244.(Sub)	650	963	1429,1499	1500	648,1959 2071,2088	C299
248.	765	929	1301	1301	695 1504,1505	C173

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
249.(Sub)	872	980			860 901,2382	
250.	470	941	1310	1310	469 1504,1505	C209
254.	317	912			315,2382	
255.	515	913	1068	1068	515,1225	C127
257.(2nd Sub)	853	898	1057	1057	851,1225	C147
258.(Sub)	219	963	1072	1072	215,1698 2040,2044	C223
259.(Sub)	219	980	1073	1075	215,1698 2040,2044	C222
261.	515	909	1302	1303	515 1504,1505	C178
263.(Sub)	515	898	922	922	515 937,938	C19
264.(Sub)	428	980	1563		426 1836,2382	
274.(Sub)	872	980	1512,1704	1704	860,2137 2354,2355	C283
277.	317	913	1313 2365	1315 2365	315 2015,2289 2365,2378 2379,2380	C371
279.	317	910	1315 2225	1315 2225	315 2224,2282 2381,2388	C378
280.	317	910			315,2382	
281.(Sub)	646				645,2382	
282.	428	899	922	922	426 937,938	C28
283.(Sub)	891	958	1627	1627	888 2040,2044	C262
289.(Sub)	337	958	1627	1627	331 2040,2044	C250

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
291.(Sub)	515	958	1182	1182	515,1698 2040,2044	C288
292.	337	910			331,2382	
294.	650	930			648,2382	
295.	516	763	923	923	515 937,938	C22
296.(Sub)	650	899	923	923	648 937,938	C16
298.(Sub)	872	941 958,1034	1201	1201	860 1302,1329	C138
308.	872	963			860,2382	
310.	516	976	1201	1202	515,1959 2071,2088	C240
313.(Sub)	337	899	925	925,953	331,1144	C53
314.	872	941			860,2382	
315.	280		281,326	326	269 337,338	C1
321.(2nd Sub)	891	1036	1750	1751	888 2040,2044	C497
324.(Sub)	516	949	1431		515,1961 2071,2088	C337
325.(Sub)	853	913	1565	1565	851 2040,2355	C398
326.	646	903	1261	1261	645 1504,1505	C527
327.(Sub)	2134 2632		2632	2635 2636	2133 2382,2632 2641,2649	PV C6E1
329.(Sub)	337	903	1311 1448	1449	331 1504,1505	C180
332.(Sub)	646	963,1036			645,2382	
338.	872	941	1628	1628	860 2040,2044	C364

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend-ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
339.(2nd Sub)	853	899	925	925	852 937,938	C8
341.(Sub)	765	977	1268 1316	1317	733,2040 2137,2216	C498
347.(Sub)	650	917	1312	1312	648 1504,1505	C174
352.	337	917	1316	1316	331 1504,1505	C179
353.(Sub)	399	941	1134	1143	396 1957,2012 2089,2223 2381,2388	C393
358.	697	899	925	926	695 937,938	C25
359.(Sub)	697	942	1076 1121 1472	1474	695,2133 2134,2299	
364.(Sub)	516	942,980	1303	1303	515 2038,2142 2221,2257 2381,2388	C419
366.(Sub)	766	977			733,2383	
373.(Sub)	765	963	1143	1143	733 2069,2355	C293
374.	428	942	1302	1302	426 1504,1505	C163
377.	429	899	1057	1057	426,1225	C121
378.	429	900	1057	1058	426,1225	C122
379.	399	930	1330	1330	397 1504,1505	C306
385.(Sub)	765	903	1051	1051	733,1225	C86
388.(Sub)	516	903	1449	1449	515,2040 2137,2216	C357
391.(Sub)	650	942	1228	1228	648 1504,1506	C352
393.(Sub)	765	917	973	973	733,1144	C55

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
395.	765	977	1628	1628	733 2040,2044	C261
396.	646	981	1628	1629	645,2040 2137,2216	C327
399.	399	913	1257	1257	397 1504,1506	C210
400.(Sub)	646	913	1539 1740,1746	1747	645,2165 2267,2382	
402.(Sub)	363	977			362,2382	
403.	516	918	1447	1448	515 1504,1506	C220
404.(Sub)	1446				1309,2382	
406.	646	930	1173	1173	645 1328,1329	C146
410.	853	913	1058	1058	852,1225	C119
413.(Sub)	586	963	1641	1643	584 2040,2355	C430
414.(Sub)	891	981	1202	1202	888 1203,1230 1836,2382	
415.(Sub)	516	930	1448	1448	515 1504,1506	C181
418.(Sub)	872	964	1606	1607	860 2070,2355	C440
419.(Sub)	873	981,1036	1432	1433	860 2171,2270 2292,2354	C441
420.(Sub)	873	981	1608	1620	860 2070,2355	C435
421.	873				860,2382	
424.(Sub)	697	930	1203	1203	695 1302,1329	C136
425.(Sub)	516	903	1172	1173	515,1961 2071,2088	PV C522

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
426.(2nd Sub)	586	904,964	1604	1605	584 2040,2044	C499
427.(Sub)	1838				1838,2382	
430.(Sub)	516	913 930,1036	1304	1307	515,1959 2071,2088	C457
431.	400	977	1317,1332	1332	397 1504,1506	C176
432.	586	931	1542	1543	561 2165,2282 2381,2388	C366
434.(2nd Sub)	872	981			860,2382	
435.	516	914	1058	1059	515 2081,2143 2215,2222 2272,2352 2379,2380	PV C514
439.(Sub)	517	964			515,2382	
440.(Sub)	697	918	1173	1175	695,2137 2354,2356	PV C379
445.(Sub)	250	253	263	264,270	250,253 356,357	C2
447.(Sub)	891	964			888,2382	
448.(2nd Sub)	806	958,1034	1481	1491	803 2041,2223 2381,2389	PV C434
449.(Sub)	765	977			733,2382	
450.(Sub)	470	914	1605	1605	469 2040,2044	C331
451.(Sub)	765	964	1714	1740	733 2281,2363	
452.	853	949	1511	1512	852,2040 2355,2356	C487
454.(Sub)	586	981	1663 1700,1710	1711	584 2166,2354 2381,2389	C330

NO.	Intro. & Committee 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
					852,1917	
			1602	1916	1918,2382	
455.(2nd Sub)	853 2637	964 1602	1904,2637 2641,2653	2647 2668	2637,2653 2669,2670	C2E1
456.(2nd Sub)	853	964	1644	1656	852 2381,2389	PV C518
458.(Sub)	646	949	1081	1081,1083	645,1225	C333
462.	429	942	1445	1445	426,2137 2354,2356	PV C470
464.	400				397,2382	
465.(Sub)	650	942	1450	1450	648 1504,1506	C172
472.(Sub)	697				695,2382	
473.(Sub)	650				648,2382	
474.	650	904			648 2353,2382	
476.(Sub)	766	965	1262,1444	1444	733,2040 2137,2216	C420
477.(2nd Sub)	697 2405	931	1203 1248,2151 2153,2405 2435,2557	1212 2153 2442 2565	695,1212 1231,1248 2151,2301 2404,2537 2578,2628	C5E1
480.(2nd Sub)	854	958,1034	1308	1308	852 1504,1506	C170
485.	854				852,2382	
489.(Sub)	470	763	1059	1059	469 1225,1226	C157
492.(Sub)	517	900	926	926	515 937,938	C15
498.(Sub)	646	918	1213	1213	645,2069 2355,2356	PV C521
499.(Sub)	892	949	1513	1513	888,2069 2355,2356	C500
506.(Sub)	517	931	1229	1229	515 1504,1506	C351



NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
508.(Sub)	650	942	1095	1095	648 1225,1226	C140
509.(Sub)	766	965			733 1836,2382	
511.(Sub)	766				733,2382	
516.	586	965			539,2382	
520.	587	918	1046	1046	584 1225,1226	C117
522.(Sub)	650	904	1214	1214	648 1302,1329	C113
523.(Sub)	587	904	1630	1630	539,2070 2355,2356	C436
524.(Sub)	697				695,2383	
527.(Sub)	1446	1697	1697,1753 2013,2087 2092,2093	2013 2131	1309,2013 2129,2383	
537.(Sub)	587	978			584,2383	
541.	697	965	1468,1604	1604	695 2040,2044	C376
542.(Sub)	587	949	1319	1320	584,2226 2276,2294 2379,2380	C372
543.(Sub)	647	943			645,2383	
545.	470	914	1060	1060	469 1225,1226	C145
549.	651	900	1514	1514	648,2069 2137,2216	C300
550.(Sub)	776	918,1036			733 1836,2383	
551.	697	900,1037	1566	1566	695,2069 2355,2356	C350
554.(Sub)	766	982	1749		733 1836,2383	
555.	651				649,2383	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend-ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
559.	766	958,1034	1321	1321	733 1504,1506	C175
563.(Sub)	698	965	1096,1121	1122	695 1225,1226	C150
565.(2nd Sub)	854	1037			852,2383	
567.(Sub)	587	982			539,2383	
569.(2nd Sub)	766	943,1037	1321	1327	733,2038 2211,2364 2379,2380	C452
571.(Sub)	766	918	1046	1046	733,780 1225,1226	C399
577.	651				649,2383	
578.(Sub)	892	943	1514	1514	888,2040 2355,2356	C358
585.(Sub)	651	943	1168	1168	649 1328,1329	C142
586.(2nd Sub)	873	959,1037	1492,1498	1499	860,2137 2354,2356	PV C503
590.	854	950	1248	1249	852,1698 2040,2044	C263
601.(Sub)	651	943	1517	1517	649,2040 2355,2356	C353
608.(Sub)	873				860,2383	
609.(Sub)	806	965	1706,1714		803 1836,2383	
611.(Sub)	1960		1960 2091,2152	2152	1959 2354,2356	C272
614.(Sub)	651	914	1434	1434	649,2040 2355,2356	PV C346
621.(Sub)	2134,2632		2632,2635	2635	2134,2383 2632,2641	C3E1
622.(Sub)	651	965			649,2383	
624.(Sub)	651	966			649,2383	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
628.	854	1035	1145	1145	852 1328,1329	C494
629.	651	982	1333	1334	649,2040 2355,2356	C392
630.(Sub)	652	982	1630	1633	649,2040 2355,2356	PV C485
632.(Sub)	854	959	1214	1214	852 1215,1231 1836,2383	
634.(Sub)	873	966			860,2383	
638.(Sub)	2134	2230	2134,2231		2045 2200,2383	
643.	587	931	1450	1451	539 1504,1506	C169
644.(Sub)	892	950	1517	1517	888,2069 2355,2356	C481
645.(Sub)	892	966			888,2383	
646.(Sub)	873	978,1037	1567,1593	1593	860,2137 2354,2356	C406
648.(Sub)	892	966	1145	1145	888 1328,1329	PV C438
651.(Sub)	698				695,2383	
653.(Sub)	652				649,2383	
654.	400	982	1518	1518	397,1709	C213
656.(Sub)	652	982	1335	1335	649 1504,1506	C171
657.(Sub)	652	919			649,2383	
658.	652	904	1184	1184	649 1302,1329	C133
662.	587	966			539 1836,2383	
663.	652	900	990	992	649,1698 2040,2044	C247

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
665.(Sub)	767	966	1451	1451	733 1504,1506	C177
668.	587	959			584,2383	
669.(Sub)	652	919	1451	1452	649 1504,1506	C182
671.	652	914	1101	1101	649 1225,1226	C134
677.(Sub)	587	943	1257	1257	539 1504,1505	C316
678.	429	900	926	926	426 937,938	C24
684.(2nd Sub)	892	967,1037	1335 1352 1452	1454	888,2172 2277,2305 2357,2378 2379,2380	PV C456
692.(Sub)	767	982	1741		733 1836,2383	
695.(Sub)	767	943	1519	1519	733,2070 2355,2356	C301
697.(Sub)	652	967	1101	1102	649 1225,1226	C158
698.	653	983	1633	1634	649,2082 2205,2213 2225,2366	C355
699.	653	919	1047	1047	649 1225,1226	C129
701.	653	944	1637	1638	649,2040 2137,2216	C273
706.(Sub)	767	944	1464	1464	733,857 1594,1595	C167
707.	587	919	1051	1053	539 1958,2212 2353,2368	C367
713.	588	978	1249	1253	584 2172,2237 2248,2282 2381,2389	C421

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
728.(2nd Sub)	854				852,2383	
732.(Sub)	767	944	1310	1310	733 1504,1506	C165
734.(Sub)	588	944	1146	1147	584 2039,2086 2150,2181 2189,2223	C396
738.(Sub)	767	950	1520	1520	733 2082,2173 2227,2265 2379,2380	C462
739.(Sub)	892	983	1352	1352	888,2137 2354,2356	C297
743.(Sub)	588	944	1254	1254	584,1958 2150,2223 2381,2389	C422
744.	767				733 857,2383	
746.(Sub)	873	950	1329	1329	860 1504,1505	C183
748.	588	959	1638	1639	585,2040 2137,2216	C360
750.(Sub)	653	919	1464	1465	649 1594,1595	C216
752.	698	967			695,2383	
753.	653	914	1434	1434	649 1505,1506	C224
755.(Sub)	892	950	1546,1592	1593	888,2070 2355,2356	C312
756.(2nd Sub)	892				888,2383	
758.(2nd Sub)	874	944,2042	2092,2174	2200	860 2286,2305 2359,2378 2379,2380	PV C506
763.(Sub)	874	950	1465	1465	860 1594,1595	C162

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
767.(Sub)	767	983	1520	1525	733,2070 2355,2356	PV C415
770.	855	919	1573	1573	852,1709	C232
772.	588	944	1599 1601	1599 1601	585 1600,1601 2040,2044	PV C319
773.(Sub)	653	904	1123 1168,1190	1190	649,2039 2147,2149 2204,2212 2264,2284	C359
776.(Sub)	855	931	1640	1640	852,2070 2355,2356	C375
777.(Sub)	653				649,2383	
782.(Sub)	806	983	1365,1435	1437	803,2082 2204,2258 2381,2389	C423
783.(Sub)	588	945	1465	1466	539 1594,1595	C164
786.(Sub)	855	967	1574	1576	852,2138 2354,2356	C401
790.(Sub)	653	959,983	1364	1364	649,2040 2137,2216	C370
795.	698	900	954	955	695,2041 2137,2216	C291
804.(Sub)	698	945			695 1836,2383	
805.(Sub)	647	914	1060	1060	645 1225,1226	C112
813.(2nd Sub)	874	967,1038	1698	1699	860,2138 2355,2356	PV C473
814.	653	967			649 1836,2383	
815.	698	983	1621	1621	695 2040,2044	C241
816.	698	983	1577 1600	1578 1600	695 1589,1600 2040,2044	C251

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
823.	855	1038	1751,1790	1791	852	
825.	893	967	1639	1639	888 2040,2044	
827.	698	915	1090,1118	1118	695 1225,1226	C141
829.(Sub)	806				803,2383	
831.	2134		2134,2209	2210	2045 2355,2356	C453
832.	767	968			733,2383	
833.(Sub)	698	968	1621	1623	695,2070 2355,2356	C480
834.(Sub)	698				695,2383	
843.	588	904	1466	1466	539 1594,1595	C184
844.(Sub)	806	959	1526	1529	803,2070 2355,2356	C475
854.	698	978			696 1836,2383	
856.	806	945	1365	1366	803,2070 2355,2356	C276
857.(Sub)	855	968,1038	1366,1556	1557	852,2069 2355,2356	C437
859.(Sub)	874	960			860,2383	
865.	699	931	1183	1183	696 1328,1329	C118
868.(Sub)	806				803,2383	
873.(Sub)	874	984			860,2383	
876.(Sub)	768	950	1102	1103	733,2041 2137,2216	C410
877.(Sub)	807	984	1747		803 1836,2383	
878.	855				852,2383	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend-ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
883.	647	984			645,2383	
					696	
					1959,2036	
					2090,2223	
902.(Sub)	699	984	1254,1258	1260	2381,2389	C339
916.	588	978			539,2383	
917.	768				733,2383	
920.(Sub)	588	978	1318	1319	539,2041 2137,2216	PV C320
927.(Sub)	768	960	1368	1423	733,2173 2250,2284 2381,2389	PV C442
928.(Sub)	699	984	1466	1467	696,2041 2137,2216	C374
929.(Sub)	699	984			696,2383	
931.(Sub)	654	968	1124	1124	649,2173 2236,2282 2381,2389	C411
932.(Sub)	699				696,2383	
935.(Sub)	699				696,2383	
937.(Sub)	699	945	1506	1506	696,1709	C290
942.(Sub)	699	919	1103	1103	696 1225,1226	C116
947.	768	945	1506	1507	734,1709	C260
954.	768	960	1529	1529	734,1709	PV C295
959.	855	985	1476	1479	852,1959 2071,2088	VETOED
970.(Sub)	807	1035	1272	1272	803 1504,1506	VETOED
978.(Sub)	768	985	1557	1558	734,2070 2355,2356	PV C517
980.(Sub)	768	960			734 1836,2383	



NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
982.(Sub)	855	968	1540	1542	852,2041 2137,2216	C464
984.(Sub)	699	920	994	995	696,2282 2381,2389	C347
985.	700	985	1261	1261	696 1504,1506	C377
992.	768	905	1597	1597	734,2167	C356
995.(Sub)	807	968	1424	1427	803,2069 2137,2216	PV C482
1004.(Sub)	768	968	1104	1104	734 1225,1226	C160
1006.(2nd Sub)	700	1035	1231	1246	696,2138 2355,2356	PV C476
1012.(Sub)	647	951	1147	1149	645,2041 2137,2216	C292
1014.(Sub)	700	931	1598	1598	696 2040,2044	C242
1015.(Sub)	807	985			803 1836,2383	
1016.	856	985	1529	1530	852,2041 2355,2356	C381
1021.	893	945	1104	1104	888 1225,1226	C305
1027.	768	969	1428	1428	734 1505,1506	C126
1031.	647				645,2383	
1034.	874	985	1530	1531	860 2083,2227 2293,2354	C428
1035.(Sub)	874	969	1532	1532	860 2083,2230 2295,2368	C429
1037.(Sub)	1838				1838,2383	
1043.(Sub)	893	969			888,2383	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1049.	856	915	996	998	852 1694,2037 2091,2223 2381,2389	C373
1053.(Sub)	647				645,2383	
1065.(Sub)	874	951,1035	1247	1247	860,2041 2137,2216	C450
1066.(Sub)	893				888,2383	
1067.	700	932	1183	1183	696 1328,1329	C143
1069.(Sub)	856	945	1463	1464	852 1594,1595	C185
1070.(Sub)	700	1035			696,2383	
1087.	875	985	1750	1750	860 2137,2216	C468
1090.	856	946	1184	1184	852 1302,1329	C433
1092.	856	969			852 1836,2383	
1093.	875	915			860,2383	
1097.(Sub)	856	946	1105	1105	852,2041 2355,2356	C446
1098.(Sub)	856	969	1533	1533	852,2041 2137,2216	C274
1099.	856				852,2383	
1109.	589				585,2383	
1117.(Sub)	856	969			852 1837,2383	
1123.	875	946	1519	1519	860,1709	C257
1124.	893	969	1579	1589	888	
1126.	875	970			860,2383	
1128.(Sub)	769	1035	1560	1560	696,1709	C265

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend-ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1129.(Sub)	893	946	1623,1713		888 2353,2383	
1132.(Sub)	893	986	1479	1480	888,2069 2137,2216	C501
1137.	893	986	1150	1150	888,2041 2137,2216	C282
1153.	769				734,2383	
1156.(Sub)	893	986	1589	1592	888,2071 2355,2356	C461
1158.(Sub)	894	970	1455,1558	1559	888 2133,2200 2253,2284	C386
1160.(Sub)	894	946	1596	1596	888,2070 2355,2356	C424
1162.	894				888,2382	
1165.(Sub)	894	986	1330	1332	888	
1175.(Sub)	894	986			888,2382	
1180.	856	901	1047	1047	852 1225,1226	C137
1185.	875	946	1598	1598	860 2040,2044	C255
1189.(Sub)	769	946			734,2383	
1197.(Sub)	894	1038	1657	1661	888 2379,2380	C413
1199.	647	901	1118	1118	645,2041 2355,2356	C361
1204.	894	960	1435	1435	888 1505,1506	C131
1205.	894	960	1603,1641 1643,1710	1710	888,2138 2355,2356	PV C516
1221.(Sub)	2448		2448,2455	2520	2447 2532,2581 2627,2629 2641,2649	PV C7E1

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend-ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1225.(Sub) .....	2134,2556		2556 2637,2638		2045,2383 2556,2677	
1228. ....	1595	1640	1640,1711	1712	1594,2138 2355,2356	PV C458
1239. ....	2567		2567 2637	2637 2638	2567 2649	VETOED
1260. ....	2684		2684	2684	2683,2687	C1E2
1261. ....	2685		2685	2685	2684,2687	C2E2
1264. ....	2702		2702	2702	2701,2702	C1E3

## HISTORY OF HOUSE JOINT MEMORIALS

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action
4000. ....	149	210	390	390	147 435,436
4005. ....	807	970			803,2383
4023.(Sub) .....	894	932	1602	1603	888,2069 2355,2356
4028. ....	2453		2532,2533	2534	2453 2532,2556

## HISTORY OF HOUSE JOINT RESOLUTIONS

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action
4204.(Sub) .....	895	986			889,2383
4210.(Sub) .....	895	970			889,2383
4212. ....	647	970	1661	1662	645 2040,2044
4220. ....	895	960	1656	1657	889,2378 2379,2380

## HISTORY OF HOUSE CONCURRENT RESOLUTIONS

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action
4400. ....	23		23	23	72
4401. ....	155		155,195	195	147 149,269
4402. ....	400				397,2384
4403.(Sub) .....	895	951			889,2384
4404. ....	337		337,360	360	331,436
4406. ....	166		166,182	182	161,215
4407.(Sub) .....	895	951	1150	1150	889 1328,1329
4409. ....	1595				1594,2384
4411. ....	895	986			889,2384
4415. ....	1125		1125	1125	1125,1171
4418. ....	2567		2567,2580	2580	2567,2636
4419. ....	2388		2388	2388	2388,2389
4420. ....	2393		2393	2393	2393,2399
4421. ....	2676		2676	2676	2676,2678
4422. ....	2567		2567,2580	2581	2567,2636
4423. ....	2678		2678	2678	2677,2678
4424. ....	2713		2713	2713	2714

## GENERAL INDEX

**ABNEY, OTTIS H.**

Member, board of pilotage commissioners.

GA 9018 ..... p. 28

**ABORTIONS**

Unborn quick child, substantial bodily harm, second degree assault: HB 752

**ABUSE (See also ANIMAL ABUSE; CHILD ABUSE)**

Criminal mistreatment classified for sentencing purposes: \*HB 753, CH 224 (1987)

Criminal mistreatment, substantial bodily harm redefined: SB 5449

Developmentally disabled persons, report of abuse required: \*SHB 153, CH 206 (1987), SB 5228, SSB 5228

Malicious reporting penalties imposed: SHB 608, SB 5707

**ACCESS DEVICES**

Credit cards, crimes involving access devices: \*SHB 508, CH 140 (1987)

**ACCIDENTS**

Boating accident reports to be provided to parks and recreation commission:

\*SSB 5846, CH 427 (1987)

Driver's license suspension is discretionary for failure to report an accident: HB 280

Driving record abstract fee increased: SHB 638

Motor vehicle accident, record only if driver at fault: SB 5114

Motor vehicle accidents, security deposit provisions revised: \*SHB 83, CH 463 (1987), SSB 5114

Motor vehicle insurance rate increased based on abstract prohibited unless party at fault: SSB 5114, \*SSB 5850, CH 397 (1987)

Motor vehicles, property damage thresholds revised: \*SHB 83, CH 463 (1987)

**ACCOUNTANCY, BOARD OF**

Operating budget: \*SHB 1221, CH 7 E1 (1987)

**ACCOUNTANTS**

Board of accountancy, administrative provisions transferred to the department of licensing: SHB 449, SB 5367

Certified public accountants, continuing education: SB 5944, SSB 5944

**ACCOUNTS**

Aquatic land dredged material disposal site account created for monitoring and management: SB 5501, SSB 5501, \*2SSB 5501, CH 259 (1987)

Basic health care plan trust account: \*2SHB 477, CH 5 E1 (1987), SB 5357

Broker earnest money trust account, housing trust fund: \*2SHB 164, CH 513 (1987)

Conservation area account, acquire natural conservation areas: \*SSB 5911, CH 472 (1987)

Criminal justice account, funded through a retail sales and use tax, money used for local government: SB 5101

Deferred compensation administrative account created: \*HB 377, CH 121 (1987), SB 5369

Essential rail banking account, distribution to rail and port districts: SB 5391, SSB 5391

Factory built housing, account for L &amp; I fees for inspections and insignia fees: SB 5375, SSB 5375

Houseboat water quality account: SB 5005

Natural resources conservation areas stewardship account created: SB 5322, SSB 5322, \*SSB 5911, CH 472 (1987)

Parks improvement account for deposit of money from certain sales in park: SB 5104, \*SSB 5104, CH 225 (1987)

Photos and maps account created: SB 5439

State employees' insurance board administrative account created: \*HB 378, CH 122 (1987), SB 5370



**ACCOUNTS—cont.**

- Toxic control accounts created: SB 6085, CH 2 E3 (1987)
- Toxics control reserve account to hold balance of fee revenues: 2SHB 434
- Transportation benefit account to enhance cooperation between public and private sectors: SB 5731
- Wood stove education account: \*2SHB 16, CH 405 (1987), SSB 5315

**ACTS**

- Alcoholism and drug addiction treatment and shelter act: SB 5568
- Alcoholism and drug addiction treatment and support: \*SHB 646, CH 406 (1987)
- Certified real estate appraisers law of Washington: HB 1109, SB 5053
- Child care resources act of 1987: SB 6013
- City and county seed capital pool act: HB 1124
- Clyde Randolph Ketchum act, hearing impaired access: \*2SHB 221, CH 304 (1987)
- Collected funds act, disbursement of funds in escrow transactions: SB 5562
- Common school local enhancement and accountability act: SB 5728
- Continuing care retirement community act: SB 5854, SSB 5854
- Ecology procedures simplification act: \*SB 5427, CH 109 (1987)
- Education consolidation act of 1987, K-12 and community colleges: SB 5839
- Employee cooperatives corporations act: \*SHB 430, CH 457 (1987)
- Endangered species conservation act: 2SHB 210
- Family independence program: \*2SHB 448, CH 434 (1987), SB 5471
- Health care access act: \*2SHB 477, CH 5 E1 (1987), SB 5357
- Health insurance coverage access act: \*SHB 99, CH 431 (1987)
- Industrial incentive zone act: SB 5743
- Local education enhancement and accountability act: SSB 5476, SB 5840
- Long-term care act of 1987: SSB 5453
- Mortgage brokers practices act: \*SHB 80, CH 391 (1987), SB 5373
- Nonprofit corporations activities review act: SB 5683
- Parenting act of 1987, parenting plans: SB 6037
- Polygraph examiners act: SB 5350, SB 5419, SSB 5419
- Professional excellence act of 1987: SB 5630
- Radiologic technologists certification act: \*SHB 134, CH 412 (1987), SB 5064, SSB 5064
- Rent control act of 1987: SB 5601
- Smoking pollution control act, if nonsmokers cannot be accommodated then smoking is prohibited: SHB 13, SB 5399
- Special incinerator ash disposal act: \*SSB 5570, CH 528 (1987)
- State buildings smoking pollution control act: SSB 5399
- Sunrise act: \*SB 5764, CH 342 (1987)
- Uniform condominium act: SB 5884
- Washington award for excellence in teacher preparation program act: SB 5246
- Washington state camping resort act: SB 5697
- Washington state education act of 1987: SB 5997
- Workplace clean air act: SHB 13

**ADKINS, KAYE**

- Member, indeterminate sentencing review board,  
GA 9096, confirmed ..... pp. 170, 2068, 2409

**ADMINISTRATIVE HEARINGS OFFICE**

- Judge David R. LaRose, reappointed chief law judge, GA 9043, confirmed . . pp.  
32, 259, 493
- Operating budget: \*SHB 1221, CH 7 E1 (1987)

**ADMINISTRATIVE PROCEDURE ACT**

- Revisions: SB 5090, SSB 5090
- Statutes revised according to APA changes: SB 5506, SSB 5506

**ADOPTION**

- Family or medical leave granted for adoption: 2SHB 565
- Information disclosure, procedures provided: HB 141, SB 5260

**ADOPTION—cont.**

Noncustodial parent must pay past-due support in order to object to adoption: SB 5003

**ADULT ENTERTAINMENT**

Erotic material, minors access: \*SHB 734, CH 396 (1987)

Sexual material, matter, and devices, minors access to these vices prohibited: SB 5778

Taxing, proceeds to child abuse fund: SB 5703

**ADULT FAMILY HOMES**

B & O exempt: SB 5200, SB 5272, \*SSB 5293, CH 4 E1 (1987)

**ADVERTISING**

Agricultural products, highway advertising controls: SB 5123, \*SSB 5123, CH 469 (1987)

Agricultural products, need not be on-premise sign if sign is not visible from highway: \*SSB 5123, CH 469 (1987)

Beer advertising must carry warning of hazards: SB 5207

Beer retailers may offer samples for sales promotion: SB 5581, \*SSB 5581, CH 46 (1987)

Contractors, advertising regulations revised: \*SSB 5024, CH 362 (1987)

Highway advertising controls revised: \*SSB 5123, CH 469 (1987)

Highway advertising, on-premise sign restriction inapplicable if sign not visible from highway: SSB 5123

Political advertising, false advertising prohibited: SHB 657, SB 5560

Wine advertising must carry warning of hazards: SB 5207

**AFDC (See PUBLIC ASSISTANCE)****AFFIRMATIVE ACTION**

Attorney general to report yearly: \*SHB 1221, CH 7 E1 (1987)

Child and family services, multi-ethnic staff: \*SHB 1221, CH 7 E1 (1987)

Corrections department, report on top-level management: \*SHB 1221, CH 7 E1 (1987)

Disabled persons included as minorities for affirmative action purposes: SCR 8403

State contractors, affirmative action plans: SB 5459, SSB 5459

Transportation department, minority workers, on-the-job training: \*SSB 6076, CH 10 E1 (1987)

**AGRICULTURE**

Apple advertising commission, debt incurring authority: \*SHB 353, CH 393 (1987)

Capital budget: \*SHB 327, CH 6 E1 (1987)

Chemist of department designated: \*SHB 353, CH 393 (1987)

Commodities, revisions regarding procedure, assessments, and loans: \*SHB 353, CH 393 (1987)

Commodity inspection division, grain branch, special early retirement: SB 5344

Computers and telecommunications, DCD to study rural development: \*SHB 373, CH 293 (1987)

Crop lien priority clarified: SB 5559

Crop lien time period extended for filing: SB 5168, SSB 5168

Drought forecast for 1987, planning: SSB 5993, \*2SSB 5993, CH 343 (1987)

Eggs, audits modified: \*SHB 353, CH 393 (1987)

Family farms, mediation prior to foreclosure: SB 5173

Farm contractor security bonds: \*SHB 750, CH 216 (1987), SB 5645

Farm land, protection of land and values: SB 5983

Farms, property tax deferral for farmers: SB 5184

Fertilizer regulated: SB 5144, \*SSB 5144, CH 45 (1987)

Fruit/vegetable packing material B & O tax exempt: SB 6072

Grain branch of the commodity inspection division, special early retirement: SB 5344

Grain indemnity fund created: \*SB 5571, CH 509 (1987)

**AGRICULTURE—cont.**

- Highway advertising controls, on-premise restriction and height requirement revised: \*SSB 5123, CH 469 (1987)
- Horticultural inspection trust fund, disbursements modified: \*SHB 353, CH 393 (1987)
- Horticulture inspectors-at-large, payment, funding source modified: \*SHB 353, CH 393 (1987)
- Hotel/motel tax, class AA counties, other than AA, revenue may be used for agricultural promotion: \*SSB 6064, CH 483 (1987)
- Hydraulic permits, prohibiting restriction of stream or riverbank stability projects: SB 6024
- IMPACT advisory board created: SB 5746
- IMPACT center to ensure accessibility and practical application to agriculture products industry: SB 5746
- Labor, unemployment compensation covers agriculture employees: SB 5616
- Labor, unemployment compensation, threshold revised: SB 5440
- Labor, workers' compensation coverage: \*SHB 677, CH 316 (1987), SB 5612
- Lamb, labelling of country of origin: \*SHB 353, CH 393 (1987)
- Land bank, state investment board may invest in: SB 5174, \*SSB 5174, CH 29 (1987)
- Livestock liens, possession of livestock until lien expires, 60 days: \*SB 5976, CH 233 (1987)
- Livestock liens, purchases of livestock or byproducts, revisions: \*SHB 353, CH 393 (1987)
- Motor fuel inspections: SB 6059
- Nursery dealers, assessments modified, northwest nursery fund revisions: SB 5170, \*SSB 5170, CH 35 (1987)
- Nursery dealers, license fee modified: SB 5170, \*SSB 5170, CH 35 (1987)
- Nursery dealers, licensees may be audited: SB 5170, \*SSB 5170, CH 35 (1987)
- Operating budget: \*SHB 1221, CH 7 E1 (1987)
- Organic food, certification program for producers: \*SHB 353, CH 393 (1987)
- Pesticide applicator licensing, revisions: \*SSB 5144, CH 45 (1987)
- Pesticide disposal by farmers: SB 6010, SSB 6010
- Pollution from nonpoint sources, procedures to investigate and remedy: SHB 543
- Port district mortgage authority: SB 6023, \*SSB 6023, CH 289 (1987)
- Property taxes, definition of farm and agricultural land modified to include appurtenances: SB 5175
- Rural development studies, DCD directed to conduct, heavy telecommunications emphasis: \*SHB 373, CH 293 (1987)
- Slaughtering, custom slaughtering facilities, revisions: SB 5381
- Starling control, operating budget: \*SHB 1221, CH 7 E1 (1987)
- Taxes, family farm credit crisis, revise payment schedule, waive penalties: SB 5686, SSB 5686
- Veterinary biologics, sale, distribution, and use regulated: \*HB 374, CH 163 (1987)
- Wine commission established: \*2SHB 569, CH 452 (1987), SB 5503, SSB 5503

**AIDS**

- Death, notification of death from an infectious or communicable disease: HB 814
- Insurance discrimination prohibited: SB 5773
- Reporting procedures: SHB 1043

**AIR BAGS**

- Insurance rates based on usage: SB 5113, \*SSB 5113, CH 310 (1987)

**AIR CONDITIONING**

- Electricians, specialty license for heating, ventilation, and air conditioning: SB 6049

**AIR POLLUTION (See also INCINERATION FACILITIES)**

- Burning permits, fire district authority modified in clean air act instances: SB 5318
- Burning permits, fire districts may revoke to protect life, property, or in nuisance situations: \*SSB 5318, CH 21 (1987)

**AIR POLLUTION—cont.**

- Cedar Hills landfill, phasing out: SB 5068
- Ecology procedures simplification act: \*SB 5427, CH 109 (1987)
- Incinerator residues resulting from burning municipal wastes are classified as special: SB 5570, \*SSB 5570, CH 528 (1987)
- Slash burns regulated: SB 5853
- Smoke management plan to be reviewed by DNR and DOE: SSB 5853
- Toxic emission control plans for any new or existing source: SHB 414
- Wood stoves regulated: \*2SHB 16, CH 405 (1987), SB 5315, SSB 5315

**AIRCRAFT**

- Out-of-state residents, boats, motorcycles, and airplanes brought into this state are use tax exempt: SB 5498
- Reflectorized warning devices required on aircraft and disabled vehicles: SB 5548
- Registration and excise tax collection responsibility to WSDOT from DOL: \*HB 403, CH 220 (1987)
- Survival kits: \*HB 701, CH 273 (1987)
- Transportation budget: \*SSB 6076, CH 10 E1 (1987)

**AIRPORTS**

- Fees, collection of airport use fees provided for: \*SHB 130, CH 254 (1987)
- Joint operating authority airports may act as own treasurer: \*SHB 130, CH 254 (1987)

**ALCOHOL**

- Alcoholism and drug addiction treatment and shelter program: \*SHB 646, CH 406 (1987), SB 5568
- Beer advertising must carry warning of hazards: SB 5207
- Beer retailers license fee increased: \*HB 1228, CH 458 (1987), SB 5070, SSB 5070
- Beer retailers may offer samples for sales promotion: SB 5581, \*SSB 5581, CH 46 (1987)
- Beer retailers, purchase restrictions regarding seized beer removed: \*SB 5265, CH 205 (1987)
- Blood alcohol or breath alcohol tests for alcohol content authorized: \*HB 1049, CH 373 (1987)
- Chemical dependency, health care contracts to cover: \*HB 1228, CH 458 (1987), SB 5070, SSB 5070
- Class F licensees, fortified wine, population criteria: \*SHB 1158, CH 386 (1987)
- Class H licenses, sale by the bottle, revisions, clubs: \*SSB 5130, CH 196 (1987)
- Class I liquor license, local government written objection process modified: HB 474, \*SHB 1158, CH 386 (1987), SB 5390
- Class M liquor license for motels: SB 5947
- Driving records may be obtained by approved treatment programs: \*SHB 415, CH 181 (1987)
- Driving with certain blood/breath alcohol levels, penalty schedule: SB 5700
- Drunk drivers, ignition interlocks on offender cars: \*HB 663, CH 247 (1987), SB 5233, SSB 5233
- DSHS alcohol program, liquor revolving fund: \*HB 1228, CH 458 (1987), SB 5070, SSB 5070
- Duty free exporters, sale to vessels for drinking outside of state, license required: \*SHB 1158, CH 386 (1987)
- Fortified wine sales restricted: \*SHB 1158, CH 386 (1987)
- Gambling is an incidental activity in class B, C, or H establishments: SSB 6062
- Identification cards, counterfeit, altered, etc., unlawful: SB 5070, SB 5254, \*SSB 5254, CH 101 (1987)
- Identification cards, transfer to minor, penalties increased: SB 5254, \*SSB 5254, CH 101 (1987)
- Ignition interlocks on alcohol offender cars: \*HB 663, CH 247 (1987), SB 5233, SSB 5233
- Intoxicated pedestrians, police may offer transport: \*SB 5060, CH 11 (1987)

**ALCOHOL—cont.**

- Involuntary commitment procedures revised: SB 5074, SSB 5074, \*2SSB 5074, CH 439 (1987)
- Keg registration, state preemption: SB 5070, SSB 5070
- Kegs, transactions to unlicensed purchasers, recordkeeping process: SB 5070, SSB 5070
- Liquor revolving fund, juvenile alcohol and drug prevention programs: \*HB 1228, CH 458 (1987), SB 5070, SSB 5070
- Liquor store sales, closure based on yearly sales: \*SHB 1221, CH 7 E1 (1987)
- Minors, gross misdemeanor penalty modified: \*HB 110, CH 204 (1987)
- Minors possessing or consuming alcohol, arrest without a warrant: \*SHB 42, CH 154 (1987)
- Minors prohibited in taproom portion of premises: SB 5487
- Minors, unlawful to possess: \*HB 1228, CH 458 (1987)
- Minors, unlawful to supply alcohol to minor: \*HB 1228, CH 458 (1987), SB 5070, SSB 5070
- Minors, use, consumption, or possession of liquor, arrest: SB 5070, SSB 5070
- Minors, violations, penalties increased: SB 5254, \*SSB 5254, CH 101 (1987)
- Nonliquor items, sale of by licensed retailers: \*SHB 1158, CH 386 (1987)
- Pedestrian appears drunk, police may offer transport: \*SB 5060, CH 11 (1987)
- Physicians, impaired physician program: SB 5857, \*SSB 5857, CH 416 (1987)
- Prevention program for juveniles, liquor revolving fund: \*HB 1228, CH 458 (1987), SB 5070, SSB 5070
- Sale of gas and alcohol concurrently is forbidden: SB 5397
- Social hosts, guests, licensees, etc., legal actions defined: SB 5867
- Temporary retail licenses, issuance procedures: SB 5212, \*SSB 5212, CH 217 (1987)
- Wine advertising must carry warning of hazards: SB 5207
- Wine and grape research, liquor revolving fund: \*HB 1228, CH 458 (1987), SB 5070, SSB 5070
- Wine and grape research, wine commission: \*2SHB 569, CH 452 (1987)
- Wine, fortified wine retailer's license: SHB 1066, \*SHB 1158, CH 386 (1987)
- Wine, reciprocity for out-of-state wine shipments: SB 5358
- Youth substance abuse awareness program, SPI and districts: \*2SHB 456, CH 518 (1987), SB 5476, SSB 5476, SB 5628

**ALEXANDER, CHARLES**

- Member, state personnel board,  
GA 9033, confirmed ..... pp. 31, 304, 564

**ALLADO, QUEENIE**

- Member, state parks and recreation commission,  
GA 9002, confirmed ..... pp. 25, 409, 449

**ALLISON, JANET**

- Reappointed member, commission for vocational education,  
GA 9007 ..... p. 26

**ALTERNATIVE ENERGY SYSTEMS**

- District heating systems, revisions: \*SHB 425, CH 522 (1987), SB 5425, SSB 5425

**ALUMINUM**

- Tax deferrals, modernization projects, smelters or rolling mills: \*2SHB 321, CH 497 (1987)
- Tax deferrals, on equipment etc., used in production or casting: \*2SHB 321, CH 497 (1987), SB 5223

**ALVAREZ, ELOISE V.**

- Reappointed trustee, Big Bend community college district no. 18,  
GA 9062, confirmed ..... pp. 36, 933, 2048

**ALVERSON, ROBERT D.**

- Reappointed member, Pacific marine fisheries commission,  
GA 9174 ..... p. 2711

**ALZHEIMER'S DISEASE**

Respite care services enhanced for dementing illnesses: \*SSB 5453, CH 409 (1987)

**AMBULANCES**

Emergency services, ambulance means ground or air: \*SHB 237, CH 214 (1987), SB 5231

Vehicles exempt from television receiver and headphone restrictions: \*HB 431, CH 176 (1987), SB 5721

**AMMUNITION**

Exploding bullets prohibited: SSB 5710

Products liability action, grounds specified: HB 662, SB 5388, SSB 5710

**AMNIOCENTESIS**

Prenatal test laboratories licensed: SB 5378, SSB 5378

**ANDERSON, SENATOR ANN**

Oath of office ..... p. 3

Appointed member agriculture, commerce and labor and human services and corrections committees ..... p. 24

Appointed interim member Governor's commission on children and joint select committee on labor/management ..... p. 2648

**ANDERSON, THE HONORABLE JUDGE JIM**

Introduced and administered oath of office to newly elected and re-elected senators ..... p. 1

**ANDERSON, ROBERT J.**

Trustee, state school for the blind, GA 9142 ..... p. 2705

**ANIMAL ABUSE**

Abused animals, disposition and care provided for: SB 5304

Animal traps prohibited in low elevation areas of Pierce, King, and Thurston counties: SB 5543

Cruelty to animals, person caring for animal has a lien: \*SB 5976, CH 233 (1987)

Cruelty to animals, removal of animals revised, criminal procedures modified: SB 5608, \*SSB 5608, CH 335 (1987)

Penalties modified, remedies: SB 5177

Trapping prohibited on private property without written permission: SB 5938

Trapping, traps on private property regulated: \*SHB 542, CH 372 (1987)

**ANIMAL RESEARCH**

Outlawed: SB 5007

**ANIMALS (See also ANIMAL ABUSE; WILDLIFE)**

Endangered species conservation act: 2SHB 210

**ANNEXATIONS**

County boundaries, alteration, constitutional provisions modified: SJR 8203, SSJR 8203

Municipal purposes, further annexation must be tied to original purpose: SHB 117

Public utility districts, service areas redefined: \*SHB 1012, CH 292 (1987), SSB 6058

**ANTHONY, PATRICIA**

Reappointed member, sentencing guidelines commission,

GA 9083, confirmed ..... pp. 40, 382, 973

**ANTI-THEFT DEVICES**

Insurance rate reduction if auto has device: SB 5116

Insurance rates based on safety and anti-theft devices: \*SHB 920, CH 320 (1987)

**APPEALS**

Judicial council to study whether civil appeals should have mandatory settlement conferences: SB 5262, \*SSB 6048, CH 212 (1987)

Small claims court: SB 5943

**APPELLATE PROCEDURE**

Terminology revised: SB 5016

**APPLE ADVERTISING COMMISSION**

Debt incurring authority: \*SHB 353, CH 393 (1987)

New facilities, bonds authorized: \*SB 5685, CH 6 (1987)

**APPLE BLOSSOM ROYALTY**

Queen Candy Cline, introduced, addressed senate ..... p. 383

Princess Becky Schooler and Carmen Harris introduced ..... p. 383

**APPLIANCES**

Energy conservation code, adoption urged: SJM 8002, SSJM 8002

Energy efficiency standards, adopting state standards for selling new appliances:  
SB 5883

Repairman time of arrival must be specified: SB 5485

**APPOINTMENT, SENATE**

Senator Pat McMullan ..... p. 2692

Senator Janice Niemi ..... p. 2692

**APPRAISALS**

Certified real estate appraisals, requirements established: HB 1109, SB 5053

**APPRENTICES**

Apprenticeship council, revisions: SB 5689

Participating businesses are to comply with state law and rules: HB 173

**APPRENTICESHIP COUNCIL**

Bruce F. Brennan, member, GA 9082, confirmed ..... pp. 40, 859, 927

**AQUACULTURE**

Capital budget: \*SHB 327, CH 6 E1 (1987)

Impact of salmon net pens, operating budget: \*SHB 1221, CH 7 E1 (1987)

Marine and ocean resources, joint committee created: SHCR 4407, SCR 8406

Saltwater net pens, demonstration and study by DNR: SB 5122, SSB 5122

Saltwater net pens, operating budget: \*SHB 1221, CH 7 E1 (1987)

Siting dispute resolution process to be established by DNR: SB 5122

Tributyltin, antifouling paint with TBT prohibited at certain concentrations: SB  
5978, \*SSB 5978, CH 334 (1987)**AQUATIC LANDS**Appeal of actions on state-owned aquatic lands, pollution control hearing  
board: SB 5443, SSB 5443Dredged material, account created for monitoring and management: SB 5501,  
SSB 5501, \*SSB 5501, CH 259 (1987)

Everett home port, land conveyance: SB 5604, \*SSB 5604, CH 271 (1987)

Historic preservation is a priority on state-owned lands: SB 5075, SSB 5075

Indian land claims, right of action against state: SB 5974

Indian shellfish claims, mediation process: SB 5158, SSB 5158

Indian tideland and river bed claims, DCD to study impact of claims on employ-  
ment, investment, and tax revenues: SSB 5973

Indian tideland and river bed claims, reinsurance of titles: SB 5973, SSB 5973

Indian tideland claims, funding: \*SHB 1221, CH 7 E1 (1987)

Proceeds from lands, redesignation of funds: \*HB 551, CH 350 (1987), SB 5424

Tidelands, leasing lands for hydraulic harvesting of subtidal hardshell clams:  
\*SHB 928, CH 374 (1987)**AQUIFERS**

Liens, delinquent aquifer protection fees: \*HB 1016, CH 381 (1987)

Low-income persons, aquifer protection fee reduction: \*HB 1016, CH 381 (1987)

**ARBITRATION (See also MEDIATION)**

Mandatory arbitration, revisions: SB 5262, SB 6048, \*SSB 6048, CH 212 (1987)

**ARBITRATION—cont.**

New motor vehicle arbitration board established: SB 5502, \*SSB 5502, CH 344 (1987)

Study administration of justice and mandatory arbitration: SB 6048, \*SSB 6048, CH 212 (1987)

**ARCHITECTS**

Workers' compensation, third parties, recovery by injured worker: SB 6048, \*SSB 6048, CH 212 (1987)

**ARIYOSHI, HIROYUKI**

Japanese consul introduced and addressed senate . . . . . p. 2400

**ARONSON, HENRY M.**

Member, small business export financial assistance center board of directors, GA 9106 . . . . . p. 515

**ARREST**

Alcohol possession or consumption by minor, arrest without a warrant: \*SHB 42, CH 154 (1987)

Indecent exposure: \*SB 6012, CH 277 (1987)

**ARSENIC**

Licensing for the sale and manufacture: \*SB 5105, CH 34 (1987)

Register, poison register required for sales: \*SB 5105, CH 34 (1987)

**ARTS**

Governor's operating budget, arts stabilization: \*SHB 1221, CH 7 E1 (1987)

Murals in the senate: SFR 8633

**ARTS COMMISSION**

Capital budget: \*SHB 327, CH 6 E1 (1987)

Operating budget: \*SHB 1221, CH 7 E1 (1987)

**ASBESTOS**

Cedar Hills landfill, phasing out: SB 5068

Certified supervisors to oversee projects: SB 5836

Industrial insurance benefits for disabilities: SHB 1015

Law enforcement pursuant to industrial safety and health act: \*SB 5408, CH 219 (1987)

**ASIAN-AMERICAN AFFAIRS COMMISSION**

Operating budget: \*SHB 1221, CH 7 E1 (1987)

**ASSAULT**

Adult dependent persons, witnesses to report: \*2SHB 586, CH 503 (1987), SSB 5065

Child assault, reporting revised: \*2SHB 586, CH 503 (1987), SB 5065, SSB 5065

Corrections or jail staff, assault of is a class C felony: SB 5824, \*SSB 5824, CH 188 (1987)

Institutional care employees at veteran facilities who are victims, reimbursement: SB 5288, \*SSB 5288, CH 102 (1987)

Juvenile corrections facilities, assault on staff, volunteers, vendors, etc., penalties increased: SSB 5078, \*SSB 5824, CH 188 (1987)

Second degree assault redefined, knowingly assaults a person under 12: HB 752

Second degree assault, substantial bodily harm to an unborn quick child: HB 752, \*SB 5546, CH 324 (1987)

Substantial pain defined: \*SB 5546, CH 324 (1987)

Unborn quick child, substantial bodily harm, second degree assault: HB 752, \*SB 5546, CH 324 (1987)

**ASSOCIATE DEVELOPMENT ORGANIZATIONS**

B & O tax deduction for payments under state contracts: SB 5261

**ATHLETICS**

Forecasting contests authorized: SHB 1165



**ATHLETICS—cont.**

Franchise ownership authorized by city, county, and state: \*SB 5955, CH 32 (1987)  
Franchises, ownership by city limited by how the county uses its hotel/motel tax proceeds: \*SSB 5901, CH 8 E1 (1987)

**ATTACHMENT**

Judgments, enforcement revised: \*SHB 927, CH 442 (1987)  
Pension money and other employee benefits exempt: \*SB 5080, CH 64 (1987)

**ATTENDANCE INCENTIVE PROGRAM**

State employees: SB 5290, SSB 5290, SB 5291

**ATTORNEY GENERAL**

Affirmative action goals and timetables, yearly report to the legislature and human rights commission: \*SHB 1221, CH 7 E1 (1987)

Ballot titles, legislature to provide title, AG to supply summary, complaint process: SHB 243

Consumer protection complaints, information that may be used in federal suit, AG's use of information clarified: \*HB 142, CH 152 (1987)

CPS cases to have 6 additional AGs: 2SHB 586

Gubernatorial appointment of office: SJR 8200

Justice department created: SB 5026

Long-term care ombudsman office moved to AG, advisory committee created: SB 5270

MWBE, AG may bring action against violators: SHB 20, SSB 5202, \*SB 5529, CH 328 (1987)

MWBE violations, complaint process and investigation authority: \*SB 5529, CH 328 (1987), SB 5566

New motor vehicle arbitration board established: SB 5502, \*SSB 5502, CH 344 (1987)

Operating budget: \*SHB 1221, CH 7 E1 (1987)

Prosecutorial duties to justice department: SSB 5026

Salary increases for assistant attorney generals: \*SHB 1221, CH 7 E1 (1987)

Term of office commencement date revised: SB 5011

Utility intervention program, public advocacy: SB 5214

**AUCTIONS**

Bond requirements: SB 5561, \*SSB 5561, CH 336 (1987)

Motor vehicle sales as part of farm or estate sale, requirements: SB 6054

Surety bonds: SB 6054

**AVERS, JAMES D.**

Trustee, Green River community college district no. 10,

GA 9088, confirmed ..... pp. 146, 971, 1712

**B & O TAX**

Multiple activities, modification: \*SB 6078, CH 3 E2 (1987)

**BAD CHECKS**

Motor vehicle and vessel fees paid with bad checks, restitution: \*SB 5120, CH 302 (1987)

**BAIL**

Out-of-state residents to post bail for traffic infractions: SB 5061, \*SSB 5061, CH 345 (1987), SB 5284, SB 5998

**BAIL, KATHRYN S.**

Chair, indeterminate sentencing review board,

GA 9029, confirmed ..... pp. 30, 2067, 2404

**BAILEY, SENATOR CLIFF**

Appointed member agriculture, education and transportation committees p. 24

Appointed interim member Governor's commission on children ..... p. 2648

**BAINBRIDGE ISLAND HIGH SCHOOL**

Girls state AAA championship basketball team introduced ..... p. 915

**BALLAINE, DAVID**

Reappointed member, housing finance commission, GA 9173 ..... p. 2710

**BALLOTS**

Ballot titles and summaries, procedures revised: SB 5644, SSB 5644

Ballot titles, legislature to provide title, AG to supply summary, complaint process: SHB 243

Double-sided ballot cards: HB 1126

Judges, district court, rotation of candidates on ballot: \*SHB 124, CH 110 (1987), SB 5012

Write-in candidates, party designation required: SB 5042

**BANGERT, RICHARD E.**

Member, small business export financial assistance center board of directors, GA 9024, confirmed ..... pp. 29, 859, 889

**BANK MACHINES**

Credit cards, crimes involving access devices: \*SHB 508, CH 140 (1987)

**BANKS**

Acquisition is to be with the approval of the supervisor of banking, process: SB 5823

Acquisition of in-state banks by out-of-state banks, authority delayed: SB 5108

Advisory council established to study diversification: SB 5257, SSB 5257

Authority expanded, allowed to engage in any other lawful activity: \*SHB 341, CH 498 (1987), SB 5258, SSB 5258

Check cashing required of checks presented by pensioners and retirees: SB 5737

Check deposits and fund availability, financial institutions to reduce fund availability delay: SHB 622

Corporate powers revised: \*SHB 476, CH 420 (1987)

Director liability modified: \*SHB 476, CH 420 (1987)

Escrow transactions, collected funds act: SB 5562

Farm credit system, strengthening requested: \*SJM 8016 (1987)

Holding companies, supervisor of banking may enter into reciprocal agreements with other authorities for examinations: SB 5823

Industrial development corporations, major revisions designed to help new and small businesses: HB 1124, SB 5398, SSB 5398, 2SSB 5398

Industrial development corporations, renamed business and industrial development corporations: 2SSB 5398

Insurance sales on bank premises prohibited: SB 5192

Interstate banking, acquisition of in-state banks by out-of-state banks, authority delayed: SB 5108

Land bank, state investment board may invest in: SB 5174, \*SSB 5174, CH 29 (1987)

Motor vehicle purchases, service charge on retail installment sales limited: SHB 366

Real estate loan agreements, security protection provisions: SB 5154, SSB 5154

Real estate transaction trust funds, interest for low-income housing and real estate research: SB 5848, SSB 5848

**BARIMAH-TWUM, DR. KANIEL**

Staff economist Pohnpei legislator introduced ..... p. 2046

**BARLEY**

Pearl barley, B &amp; O tax lowered on manufacture: \*HB 66, CH 139 (1987), SB 5169

**BARR, SENATOR SCOTT**

Oath of office ..... p. 3

Appointed member agriculture, natural resources and transportation committees p. 24

**BARR, SENATOR SCOTT—cont.**

- Point of information, which amendment being considered,  
 E2SHB 758 ..... p. 2193  
 Personal privilege, Pend Oreille county newsprint plant ..... p. 2631  
 Appointed interim member legislative budget committee ..... p. 2648

**BARRIER FREE FACILITIES**

- Disabled persons' employment opportunities, disability accommodation revolving fund established: SB 5330, \*SSB 5330, CH 9 (1987)

**BAUER, SENATOR ALBERT**

- Elected vice president pro tempore ..... p. 4  
 Appointed member agriculture, vice chair; education, vice chair; rules and ways and means committees ..... p. 24  
 Appointed interim member energy and utilities and legislative systems committees ..... p. 2648

**BEACON ROCK TRUST PROPERTY**

- DNR lands, certain transferred to the parks and recreation commission: SHB 550

**BECK, RUTH A.**

- Member, public disclosure commission,  
 GA 9023, confirmed ..... pp. 29, 648, 889

**BED AND BREAKFASTS**

- Study of the industry authorized: \*HB 856, CH 276 (1987)

**BEER**

- Advertising must carry warning of hazards: SB 5207  
 Keg registration, state preemption: SB 5070, SSB 5070  
 Kegs, transactions to unlicensed purchasers, recordkeeping process: SB 5070, SSB 5070  
 Nonliquor food products credit sales by wine and beer wholesalers: SB 5319  
 Retailer license fee increased: HB 1228, SB 5070, SSB 5070  
 Retailers may offer samples for sales promotion: SB 5581, \*SSB 5581, CH 46 (1987)  
 Retailers, purchase restrictions regarding seized beer removed: \*SB 5265, CH 205 (1987)

**BEGGING**

- Disorderly conduct: SB 5596, SSB 5596  
 Vagrancy, penalties: SB 5596, SSB 5596

**BELL, MERLYN M.**

- Member, corrections standards board,  
 GA 9031, confirmed ..... pp. 30, 117, 140

**BELLEVUE**

- Sports franchise ownership limited by how King county uses its hotel/motel tax proceeds: \*SSB 5901, CH 8 E1 (1987)

**BELLEVUE COMMUNITY COLLEGE DISTRICT NO. 8**

- George E. Northcroft, trustee,  
 GA 9078, confirmed ..... pp. 39, 971, 2136

**BENDER, SENATOR RICK S.**

- Oath of office ..... p. 3  
 Nomination of Senator Al Bauer as vice president pro tempore ..... p. 4  
 Appointed member financial institutions, vice chair; education, rules and transportation committees ..... p. 24  
 Point of order, amendment to HB 431 ..... p. 1318  
 Point of order, amendment to HB 1205 ..... p. 1604  
 Appointed interim member Governor's commission on children, joint select committee on labor/management, legislative transportation committee and joint select sunset committee ..... p. 2648

**BENDOR, JUDITH A.**

Member, pollution control/shorelines hearings board,  
GA 9054, confirmed ..... pp. 34, 2407, 2413

**BENITZ, SENATOR MAX E.**

Oath of office ..... p. 3  
Appointed member education, energy and utilities and rules committees ..... p. 24  
Personal privilege, wine tasting invitation ..... p. 1327  
Appointed interim member energy and  
utilities committee ..... p. 2648

**BENTON CITY**

Diversify economy: \*SHB 1132, CH 501 (1987)

**BICYCLES**

State bicycle program: SB 5421, SSB 5421  
Unclaimed bicycles may be donated to charitable organizations: \*SHB 669, CH  
182 (1987)

**BIG BEND COMMUNITY COLLEGE DISTRICT NO. 18**

Eloise V. Alvarez, reappointed trustee, GA 9062,  
confirmed ..... pp. 36, 933, 2048

**BILINGUAL SERVICES**

Unemployment services: SB 6035

**BIRTH CERTIFICATES**

Children's trust fund established, cost-neutral revenue system to fund prevention  
programs: \*SHB 506, CH 351 (1987)  
Information, what the certificate is to include: SHB 834

**BISEXUALS (See also AIDS)**

Discrimination prohibited: SB 5736, SSB 5736

**BLACK, WILLIAM A.**

Trustee, Everett community college district no. 5,  
GA 9086, confirmed ..... pp. 146, 1502, 1838

**BLIND, DEPARTMENT OF SERVICES FOR THE**

Continuing: \*SB 5148, CH 60 (1987)  
Operating budget: \*SHB 1221, CH 7 E1 (1987)

**BLIND, STATE SCHOOL FOR THE**

Robert J. Anderson, trustee, GA 9142 ..... p. 2705  
Garold LaBorde, trustee, GA 9151 ..... p. 2706  
John F. Naddy, III, trustee, GA 9152 ..... p. 2707  
Bonnie Robertson, trustee, GA 9155 ..... p. 2707

**BLOOD DONATIONS**

Donors may specify recipients: SB 5714

**BLUECHEL, SENATOR ALAN**

Oath of office ..... p. 3  
Appointed member parks and ecology and  
ways and means committees ..... p. 24  
Appointed interim member Washington state winter recreation commission, joint  
committee on marine and  
ocean resources ..... pp. 2647, 2648

**BLUM, JOSEPH R.**

Director, department of fisheries,  
GA 9073, confirmed ..... pp. 38, 129, 194

**BOARDS**

Accountability boards established for children and family services local offices:  
SB 5386, 2SSB 5659  
Basic health plan board: SB 5357

**BOARDS—cont.**

- Brokers' trust account board created: \*2SHB 164, CH 513 (1987)
- Broker's trust account board, real estate foundation to be formed: SB 5848, SSB 5848
- Children and family services division, accountability boards established: SB 5386, 2SSB 5659
- Industrial incentive zone board: SB 5743
- Insurance consumer board: SB 5875
- Major revisions to various boards and commissions: \*SHB 454, CH 330 (1987), SB 5366, SSB 5366
- Mortgage brokers, state board of registration for mortgage brokers: SB 5537
- New motor vehicle arbitration board established: SB 5502, \*SSB 5502, CH 344 (1987)
- Retirement service for members of committees, boards, and commissions revised: \*HB 406, CH 146 (1987)
- Sheet metal workers, state advisory board: SHB 1117
- Sunrise act adopted: \*SB 5764, CH 342 (1987)
- Transportation benefit board created to enhance cooperation between public and private sectors: SB 5731
- Vocational education advisory board established, educational services office created: SHB 451, SB 5468

**BOATS**

- Boating accident reports to be provided to parks and recreation commission: \*SSB 5846, CH 427 (1987)
- County auditors acting as licensing agents, fees and protection increased: \*SB 5120, CH 302 (1987)
- Marina waste disposal: SB 5306, SSB 5306
- Marine patrol services, distribution of watercraft tax locally: SHB 46
- Marking system of nonnavigable waters: SB 5846, \*SSB 5846, CH 427 (1987)
- Out-of-state residents, boats, motorcycles, and airplanes brought into this state are use tax exempt: SB 5498
- Safety assessment by parks and recreation commission: SB 5846, \*SSB 5846, CH 427 (1987)
- Safety, boating safety advisory committee: SB 5846, SSB 5846
- Tax exempt if used exclusively for educational or religious purposes: SB 5782
- Vessel dealer registration, revisions: SB 5515, SSB 5515, \*2SSB 5515, CH 149 (1987)

**BOMBS**

- Prohibiting the sale, possession, or transportation: SB 5187

**BONDS**

- Apple advertising commission, new facilities: \*SB 5685, CH 6 (1987)
- Capital and operating projects, state general obligation bonds authorized: \*SHB 621, CH 3 E1 (1987)
- Farm contractor security bonds: \*SHB 750, CH 216 (1987), SB 5645
- Hotel/motel tax, class AA counties, other than AA, revenue may be used for agricultural promotion: \*SSB 6064, CH 483 (1987)
- Private activity bond ceiling, allocation provided: \*SHB 739, CH 297 (1987), SB 5640

**BORDEN, JENNIFER**

- Dairy princess introduced and addressed senate ..... p. 252

**BORK, PHILLIP T. BORK**

- Reappointed member, board of industrial insurance appeals, GA 9130 ..... p. 2703

**BOTTIGER, SENATOR R. TED**

- Appointed member financial institutions, judiciary and rules committees ... p. 24
- Personal privilege, Bottiger, Smitherman and Bluechel ski race ..... p. 108

**BOTTIGER, SENATOR R. TED—cont.**

Personal privilege, Entiat Valley apples	p. 364
Point of order, amendment to SSB 5064	p. 599
Motion to limit debate	pp. 601, 602
Demand for call of the senate	pp. 862, 1889
Motion to dispense with call of the senate	p. 871
Public apology	p. 972
Motion to limit debate	p. 1450
Point of order, amendment to SHB 264	p. 1565
Point of order, speeches about guests	p. 1704
Motion to suspend senate rule 52 for remainder of day	p. 1712
Parliamentary inquiry, clarification of amendments, ESHB 877	p. 1749
Point of order, amendment to ESHB 877	p. 1749
Point of order, senator reading, E2SHB 455	p. 1912
Statement for journal, Indian land claims provisions, ESHB 1221	p. 2511
Parliamentary inquiry, order of amendments, ESHB 1221	p. 2514
Remarks, conference committee appointments, ESHB 1221	p. 2532
Appointed interim member Washington state winter recreation commission 2647	p.

**BOTTOMFISH**

Bottom trawling gear unlawful in Hood Canal and Puget Sound: SB 5422
Commercial net fishing prohibited: SB 5323

**BOUNDARIES**

Plat approval, rectification of boundary discrepancies prior to approval: SB 5040
---

**BOUNDARY REVIEW BOARDS**

Open public meeting act requirements: *SB 5335, CH 477 (1987)
Review process modified: *SB 5335, CH 477 (1987)

**BOWER, JR., MITCHELL**

Member, state board for community college education, GA 9143	p. 2705
---	---------

**BOWLING**

Sweepstakes: SB 5652
----------------------

**BOXING COMMISSION**

Boxer license applicants to submit sworn report on bout records: SSB 5364
Boxer license applicants to submit to medical exam: SSB 5364
Name changed to state athletic commission: SB 5364, SSB 5364
Operating budget: *SHB 1221, CH 7 E1 (1987)
Violations and penalties, up to \$10,000 per day: SSB 5364

**BOY SCOUTS**

Jim Weller, Chris Harpel, Travis Steir, Carl Speckhardt and Derek Eyring introduced	p. 247
---	--------

**BOYD, KAY M.**

Trustee, The Evergreen State College, GA 9076, confirmed	pp. 39, 951, 2093
---	-------------------

**BPA**

Budget be given scrutiny, rate review: SFR 8611
Prohibit sale of BPA: *SJM 8005 (1987)
Rate increases, ask Congress to deny: SJM 8001, SSJM 8001

**BREATH TESTS**

Blood alcohol or breath alcohol tests for alcohol content authorized: *HB 1049, CH 373 (1987)
---

**BREMERTON**

Underwater naval warfare museum, capital budget: \*SHB 327, CH 6 E1 (1987)

**BRENNAN, BRUCE F.**

Member, apprenticeship council,

GA 9082, confirmed ..... pp. 40, 859, 927

**BRIDGE**

Mental sports competition and research advisory committee: \*2SHB 456, CH 518 (1987), SB 5056

**BRIGHTON, DALE**

Alternate member, commission on judicial conduct,

GA 9172 ..... p. 2710

**BRITISH COLUMBIA**

College tuition and fee reciprocity: \*SHB 1097, CH 446 (1987), SB 5821

Water districts contiguous to Canada, contract authority: \*SHB 2, CH 449 (1987)

**BROUILLET, DR. FRANK B.**

Superintendent of public instruction introduced exchange teachers from China  
p. 568

**BROWN, JULIE**

1987 capital lakefair queen introduced and welcomed senate to Olympia p. 75

**BROWN, LYNIE**

Sequim irrigation festival princess introduced ..... p. 1123

**BRYANT, BARBARA**

Member, state lottery commission, GA 9144 ..... p. 2705

**BUDGET**

Balanced federal budget urged: SJM 8004

Budget and accounting procedures revised, economic forecasts, estimated revenues: SB 5606, \*SSB 5606, CH 502 (1987)

Budget reserve fund created, funded by extending lottery two years: SB 5099

Capital budget: \*SHB 327, CH 6 E1 (1987)

Capital budget plan reviews: SB 6055, SSB 6055

Chore services, appropriating money for additional chore services: \*HB 1261, CH 2 E2 (1987)

Emergency reserve fund: SB 5684

Fiscal responsibility, appropriations must match revenues, no mandated services without fund source: SJR 8217

Fiscal responsibility, economic and fiscal forecast council: SJR 8217

Lottery extended two years to fund budget reserve fund: SB 5099

Nursing home wages and benefits: \*HB 1260, CH 1 E2 (1987)

Omnibus appropriations act: SHB 527

Omnibus appropriations act revised: \*SHB 1221, CH 7 E1 (1987)

Requests over \$50,000 need to be submitted early: SB 5270

Spending limit imposed: SB 5298, SJR 8208

State emergency reserve fund: SJR 8215

Supplemental budget adopted: SB 5351, \*SSB 5351, CH 7 (1987)

Transportation budget: SHB 427, \*SSB 6076, CH 10 E1 (1987)

Transportation funding, appropriation to alleviate negative impact of no federal funding: SSB 6020

Transportation, supplemental budget: SB 5456, \*SSB 5456, CH 270 (1987)

**BUILDERS**

Speculative builders, taxing labor rendered in constructing, repairing or improving the building: SB 5094, \*SSB 5094, CH 285 (1987)

**BUILDING CODES**

Factory built housing: SSB 5375

**BUILDING CODES—cont.**

- Local government codes, codes enforced through permits, modification authority revised: SB 5582
- Revisions: SHB 249
- Water conservation measures: SB 5314, SSB 5314

**BUILDINGS**

- Criminal trespass to property defined: SB 5494
- Unfit premises, regulated, premises or portions, monitor deterioration for possible demolition: SHB 439

**BULLETS**

- Exploding bullets prohibited: SSB 5710

**BULLITT, DOROTHY**

- Granddaughter of Dorothy Bullitt accepts medal of merit honor and addresses senate ..... p. 1180

**BURNING PERMITS**

- Fire district authority modified in clean air act instances: SB 5318
- Fire districts may revoke permits to protect life, property, or in nuisance situations: \*SSB 5318, CH 21 (1987)

**BUSES**

- Passenger charter carriers, revisions, certificate required: SB 5451
- Private school students may be transported on public buses: SB 5334, SSB 5334
- Safety standards: SB 5308

**BUSINESSES (See also SMALL BUSINESSES)**

- Business and job retention program within DTED: SB 6050
- Business assistance center coordinating task force: \*SSB 5530, CH 348 (1987)
- Employee cooperatives authorized: \*SHB 430, CH 457 (1987)
- Environmental excellence awards for labelling of products authorized by DOE: \*SB 5051, CH 67 (1987)
- Fair competition review commission: SB 5708
- Industrial development corporations, major revisions designed to help new and small businesses: HB 1124, SB 5398, SSB 5398, 2SSB 5398
- Industrial development corporations, renamed business and industrial development corporations: 2SSB 5398
- Minority and women's businesses must meet small business requirements: SHB 20, SB 5202, SSB 5202, \*SB 5529, CH 328 (1987)
- Public assistance and unemployment compensation recipients, assist in starting own business: SB 6004
- Regulation increase requests, process: \*HB 435, CH 514 (1987)
- Regulation review process established: SHB 7
- Reporting and taxation system, unified system for business identification, reporting, and compliance: \*HB 148, CH 111 (1987), SB 5585
- Rural businesses, studying economic development and marketing needs: SHB 1189
- Rural development studies, DCD directed to conduct, heavy telecommunications emphasis: \*SHB 373, CH 293 (1987)
- Scholarship program for low-income working persons and single heads of household: \*HB 1021, CH 305 (1987), SB 5461
- Seed capital, local seed capital pools authorized: HB 1124
- Small businesses, MWBE certification requirements: SHB 20, \*SB 5529, CH 328 (1987), SB 5567
- Small businesses, office renamed the business assistance center: \*SSB 5530, CH 348 (1987)
- Work hours of 11 p.m. to 6 a.m., security measures required: SHB 473

**BUTCHERS**

- Custom slaughtering facilities, revisions: \*SB 5381, CH 77 (1987)



**CALEY, JAMES W.**

- Member, state board for community college education,  
GA 9066 ..... p. 37

**CALL OF THE SENATE**

- Senators Bottiger, Vognild and Fleming demand call of senate ..... p. 862  
 Senator Bottiger, dispense with call of the senate ..... p. 871  
 Senators Bottiger, Vognild and Peterson,  
 demand call of senate ..... p. 1889  
 Senator Vognild, dispense with call of the senate ..... p. 1927

**CAMPAIGNS**

- Campaign expenditure and contribution limits, requesting an amendment: HJM  
4005  
 Election campaign financing trust fund: SB 5505  
 Fundraising during session for a legislator is prohibited: SB 5385  
 Funds, diversified investment of campaign funds: \*SB 5780, CH 268 (1987)  
 Nonprofit organizations that are politically active must do public disclosure: SB  
5186  
 Political advertising, false advertising prohibited: SHB 657, SB 5560  
 Rating of candidates by nonprofit organizations, public disclosure required: SB  
5186  
 Retirement, deductions from retirement allowance for political committee dues  
authorized: SHB 632

**CAMPING**

- Nonprofit organizations, money received for camping, conferences, and recrea-  
tional services is tax exempt: SB 6002, SSB 6002

**CAMPING CLUBS**

- Regulated: SB 5697

**CANADA**

- Water districts contiguous to Canada, contract authority: \*SHB 2, CH 449 (1987)

**CANFIELD, DAMON**

- Former senator introduced and addressed senate ..... p. 2004

**CANTU, SENATOR EMILIO**

- Appointed member commerce and labor, energy and utilities and ways and  
means committees ..... p. 24  
 Point of order, free conference report, E2SSB 5441 ..... p. 2351  
 Parliamentary inquiry, conference committee  
 relieved of HB 698 ..... p. 2366  
 Point of order, conflict of interest, SB 6084 ..... p. 2686  
 Appointed interim member, community economic revitalization board, LEAP  
committee, legislative systems committee ..... pp. 2647, 2648

**CAPITAL BUDGET**

- Adopting: \*SHB 327, CH 6 E1 (1987)

**CAPITAL LAKE**

- Renamed Lake Yantis: SB 5049  
 Yantis, George F. Yantis interpretive center and grounds: SB 6047

**CAPITAL PROJECTS OFFICE**

- Office established as a pilot project within DTED to assist businesses in interna-  
tional competition: SB 5832

**CAPITAL PUNISHMENT**

- Execution dates, renewed death warrants don't require defendants presence: \*SB  
5549, CH 286 (1987)

**CAPITOL CAMPUS**

- Capitol campus design advisory committee: SB 5975

**CARIBOU**

Poaching fine of \$5,000: \*2SHB 758, CH 506 (1987)

**CARLSON, DAVID L.**

Member, indeterminate sentencing review board,

GA 9071, confirmed ..... pp. 38, 114, 2068, 2413

**CARLSON, GARU K.**

Executive director, office of secretary of defense introduced and addressed senate ..... p. 500

**CARLSON, LUCILLE M.**

Member, tax appeals board,

GA 9025, confirmed ..... pp. 29, 901, 988

**CARPOOLS**

Restrictions limited, unrestricted use on weekends, holidays, and nonpeak hours: SB 6025

Vanpool laws revised: \*HB 559, CH 175 (1987)

**CARTER, JACKIE**

Senior girl scout presented flag ..... p. 590

**CASCADE ISLAND TRUST PROPERTY**

DNR lands, certain transferred to the parks and recreation commission: SHB 550

**CATS**

Abuse, cruelty, person caring for animal has a lien: \*SB 5976, CH 233 (1987)

Abuse, cruelty to animals, removal of animals revised, criminal procedures modified: SB 5608, \*SSB 5608, CH 335 (1987)

Abuse, penalties increased, remedies: SB 5177

Abused animals, disposition and care provided for: SB 5304

**CATTLE**

Abuse, removal of animals revised: \*SSB 5608, CH 335 (1987)

Cruelty to animals, person caring for animal has a lien: \*SB 5976, CH 233 (1987)

Liens, purchases of livestock or byproducts, revisions: \*SHB 353, CH 393 (1987)

Livestock liens, possession of livestock until lien expires, 60 days: \*SB 5976, CH 233 (1987)

Running at large, control within 12 hours: SB 5117

Slaughtering, custom slaughtering facilities, revisions: \*SB 5381, CH 77 (1987)

**CEDAR HILLS**

Phasing out the Cedar Hills landfill: SB 5068

**CEMETERY, BOARD OF**

Administrative duties transferred to the department of licensing: \*SHB 450, CH 331 (1987), SB 5368, SSB 5368

Operating budget: \*SHB 1221, CH 7 E1 (1987)

Revisions: \*SHB 450, CH 331 (1987), SB 5368, SSB 5368

**CENTENNIAL CELEBRATION**

Citizen assessment and public information volunteer staff within DCD, shareholder theme, centennial celebration: SB 5573

Communication and participation on public issues, DCD duties: SB 5573

Deputy executive secretary granted civil service exemption: \*HB 549, CH 300 (1987)

License plates, centennial license plates, revenue revisions regarding fees, etc.: \*HB 261, CH 178 (1987)

Operating budget: \*SHB 1221, CH 7 E1 (1987)

Pacific celebration fund established: SB 5643

Pacific celebration '89, operating budget: \*SHB 1221, CH 7 E1 (1987)

Shareholder program, centennial celebration, communication on public issues, DCD duties: SB 5573

Tall ships, authorizing construction or renovation: SB 5702, SSB 5702

**CENTRAL WASHINGTON UNIVERSITY**

- Harvey Vernier, trustee, GA 9140 ..... p. 2704  
 Capital budget: \*SHB 327, CH 6 E1 (1987)  
 Operating budget: \*SHB 1221, CH 7 E1 (1987)

**CENTRALIA COMMUNITY COLLEGE DISTRICT NO. 12**

- Gayer Dominick, trustee, GA 9091, confirmed ..... pp. 147, 971, 1961  
 Earlyse A. Swift, reappointed trustee, GA 9139 ..... p. 2704

**CERTIFICATE OF NEED**

- Bed capacity revisions: SB 5886  
 Equipment, PET, BEAM, LINAC, ESWL, MRI, etc.: SB 5886  
 Exemption for rural hospitals and public hospital districts: SB 6007  
 Home health and hospice agencies: SB 5886, SSB 5886  
 Process modified, major exemptions: SB 5496  
 Tertiary services: SB 5886, SSB 5886

**CERTIFIED PUBLIC ACCOUNTANTS**

- Continuing education: SB 5944, SSB 5944

**CHARITABLE DONATIONS**

- Collection bins, unlawful to put trash into: SB 5181, \*SSB 5181, CH 385 (1987)

**CHARTER BOATS**

- Revisions: SB 5342

**CHARTER BUSES**

- Passenger charter carriers, revisions, certificate required: SB 5451

**CHECKERS**

- Mental sports competition and research advisory committee: \*2SHB 456, CH 518  
 (1987), SB 5056

**CHECKS**

- Banks and trust companies must cash checks of retirees and pensioners: SB 5737  
 Motor vehicle and vessel fees paid with bad checks, restitution: \*SB 5120, CH 302  
 (1987)

**CHEHALIS RIVER**

- Municipal water treatment discharge, standards adjusted to reflect credit for  
 substances removed: \*SHB 571, CH 399 (1987)

**CHELAN COUNTY**

- Superior court judges, additional: SB 5206, \*SSB 5206, CH 323 (1987)

**CHEMICAL DEPENDENCY**

- Health care contracts to cover: \*HB 1228, CH 458 (1987), SB 5070, SSB 5070

**CHENG, MARK S.B.**

- Deputy director of the coordination council for North American affairs and Mrs.  
 Cheng introduced and addressed senate ..... p. 114

**CHERBERG, LIEUTENANT GOVERNOR JOHN A. (See also LIEUTENANT GOVERNOR; also RULINGS BY THE PRESIDENT; also PRESIDENT OF THE SENATE; also PARLIAMENTARY INQUIRIES)****CHESS**

- Mental sports competition and research advisory committee: \*2SHB 456, CH 518  
 (1987), SB 5056

**CHEWING TOBACCO**

- Banned on school grounds: SB 5754  
 Purchase by minors is a misdemeanor: SHB 76, SB 5092  
 Retailers license required, revokable for sale to minors: SHB 76, SB 5092  
 Sale to person under 18 illegal, warning at point of sale: SHB 76  
 Tax on tobacco products, revenue to be used for education on the harmful  
 effects of tobacco: SB 5754

**CHIEN, GRACE**

Member, higher education personnel board.

GA 9085, confirmed ..... pp. 117, 1502, 2356

**CHILD ABUSE**

Accountability boards established for children and family services local offices:  
SB 5386, 2SSB 5659

Background investigations of persons being considered for hire: \*2SSB 5063, CH 486 (1987)

Caseworkers, comprehensive training standards: \*2SHB 586, CH 503 (1987)

Caseworkers to be supported by 21 FTE clerical staff: 2SHB 586

Child protective services defined: SB 5554, SB 5659, SSB 5659, \*2SSB 5659, CH 524 (1987)

Children and family services division, accountability boards established: SB 5386, 2SSB 5659

Childrens trust fund established, cost-neutral revenue system to fund prevention programs: \*SHB 506, CH 351 (1987)

Clearinghouse, feasibility study of state-wide data base for the prevention of child abuse and neglect: 2SHB 586

Clearinghouse, state-wide data base, council for the prevention of child abuse and neglect to establish: SB 5757

Corporal punishment is explicitly excluded from definition of child abuse: \*2SSB 5659, CH 524 (1987)

Counseling available to children: \*2SHB 586, CH 503 (1987)

CPS cases to have 6 additional AGs: 2SHB 586

CPS goal, rights of the child prevail: SB 5659, SSB 5659, \*2SSB 5659, CH 524 (1987)

Criminal mistreatment, substantial bodily harm redefined: SB 5449

Definition of child abuse revised, does not include situations relating to handicap, etc., of caregiver: SSB 5659, \*2SSB 5659, CH 524 (1987)

Early intervention services, DSHS to contract with 45 nurses and 45 homemakers: 2SHB 586

Employees with access to youth or developmentally disabled persons, abuse record: SB 5063, SSB 5063, \*2SSB 5063, CH 486 (1987)

Family unity intactness standard modified, child's health and safety to be considered: SB 5269, SB 5554, SSB 5659, 2SSB 5659

Foster parent training as part of foster care program: \*2SHB 586, CH 503 (1987)

Homicide by child abuse: SB 5089, \*SSB 5089, CH 187 (1987)

Interview of child without parental notice or consent: SB 5554, SB 5659, SSB 5659, \*2SSB 5659, CH 524 (1987)

Investigators to take into account child rearing practices of culture of child: SB 5554, SB 5659, SSB 5659

Malicious reporting penalties imposed: SHB 608, SB 5707

Multidisciplinary teams to be in each CFS region to assess/consult instances of risk to a child: \*2SHB 586, CH 503 (1987)

Murder by child abuse: \*SSB 5089, CH 187 (1987)

Operating budget for DSHS: \*SHB 1221, CH 7 E1 (1987)

Perpetrators, central registry to notify schools, licensing boards, etc., when a licensee or employee is put on registry: SB 5554, SB 5659, SSB 5659, \*2SSB 5659, CH 524 (1987)

Pilot project, children and family services, comprehensive system state-wide by 1990, continuum of services: \*2SHB 586, CH 503 (1987), SB 5553, SSB 5553, 2SSB 5553

Primary prevention program for child abuse and neglect in the schools: SB 5252, SSB 5252, \*2SSB 5252, CH 489 (1987)

Public health nurses, operating budget: \*SHB 1221, CH 7 E1 (1987)

Redefined, major revisions: SB 5659, SSB 5659

Report by medical practitioner, considered substantiated unless certain conditions met: SB 5554, SB 5659, SSB 5659

Risk assessment tool, use on a pilot basis: \*2SHB 586, CH 503 (1987)

**CHILD ABUSE—cont.**

- Second degree assault redefined, knowingly assaults a person under 12: HB 752
- Sex offenses, multiple incidents of abuse, aggravating circumstances for an exceptional sentence: \*HB 1204, CH 131 (1987)
- Social worker redefined, social service counselor: SB 5659, SSB 5659, \*2SSB 5659, CH 524 (1987)
- Substantial pain defined: \*SB 5546, CH 324 (1987)
- Support and rehabilitation, revenue from tax on adult entertainment: SB 5703
- Therapeutic day care to children who have been abused or neglected: \*2SHB 586, CH 503 (1987)
- Witnesses to sexual offenses or assault, reporting revised: \*2SHB 586, CH 503 (1987), SB 5065, SSB 5065

**CHILD CUSTODY**

- Custodial interference, defense: SSB 5088
- Custodial interference statute, court conferred visitation rights protected: SB 5088, SSB 5088
- Indian children, placement, revisions: \*2SHB 480, CH 170 (1987), SB 5540, SSB 5540
- Joint parenting as a preference for separated or divorced parents: SB 5255
- Parenting act of 1987, parenting plans: SB 6037
- Parenting, provisions revised: \*SHB 48, CH 460 (1987)
- Paternity, administrative determination: \*SHB 419, CH 441 (1987)
- Visitation rights, custodial interference statute protects court conferred rights: SB 5088, SSB 5088

**CHILD DEPENDENCY/CPS**

- Abuse investigator to take into account child rearing practices of culture of child: SB 5554, SB 5659
- Caseworkers, comprehensive training standards: \*2SHB 586, CH 503 (1987)
- Child and family services, hire multi-ethnic casework staff: \*SHB 1221, CH 7 E1 (1987)
- Child protective services defined: SB 5554, SB 5659, SSB 5659, \*2SSB 5659, CH 524 (1987)
- Children's services staff training academy, DSHS: \*2SHB 586, CH 503 (1987)
- Children's services staff training academy, implementation plan by DSHS and WWU: SB 5554
- Court appointed representative for child: SB 5893, 2SSB 5659
- CPS goal, rights of the child prevail: SB 5659, SSB 5659, \*2SSB 5659, CH 524 (1987)
- Custody by law enforcement, holding area and parent contact process: SB 6030
- Family unity intactness standard modified, child's health and safety to be considered: SB 5269, SB 5554, SSB 5659, 2SSB 5659
- Operating budget: \*SHB 1221, CH 7 E1 (1987)
- Parents given review opportunity of CPS plan before disposition hearing: SB 5554, SB 5659, \*2SSB 5659, CH 524 (1987)
- Petition, allegations revised: SB 5554, SB 5659, SSB 5659, \*2SSB 5659, CH 524 (1987)
- Report to legislature: \*SHB 1221, CH 7 E1 (1987)

**CHILD SUPPORT**

- Adoption, noncustodial parent must pay past-due support in order to object to adoption: SB 5003
- Child support schedule commission established: \*SHB 418, CH 440 (1987)
- Court clerk's handling of child support payments revised: \*SHB 217, CH 363 (1987), SB 5279, SSB 5279
- Modification, additional grounds: \*SHB 413, CH 430 (1987)
- Noncustodial parent must pay past-due support in order to object to adoption: SB 5003
- Parenting act of 1987, parenting plans: SB 6037
- Parenting, provisions revised: \*SHB 48, CH 460 (1987)
- Paternity, administrative determination: \*SHB 419, CH 441 (1987)
- Registry created: \*SHB 420, CH 435 (1987)
- Schedule to be established: \*SHB 418, CH 440 (1987)

**CHILD SUPPORT—cont.**

Visitation, child support may be withheld if court-ordered visitation not given: SB 5087

**CHILDREN/MINORS**

AFDC eligibility revised: SB 6005

Alcohol identification cards, transfer to minor, penalties increased: SB 5254, \*SSB 5254, CH 101 (1987)

Alcohol possession or consumption, arrest without a warrant: \*SHB 42, CH 154 (1987)

Alcohol, sale to minor, provisions changed, gross misdemeanor penalty modified: \*HB 110, CH 204 (1987)

Alcohol, unlawful for minors to possess: \*HB 1228, CH 458 (1987)

Alcohol, unlawful to supply to minor: \*HB 1228, CH 458 (1987), SB 5070, SSB 5070

Alcohol use, consumption, or possession, arrest: SB 5070, SSB 5070

Alcohol violations, penalties increased: SB 5254, \*SSB 5254, CH 101 (1987)

Assault at juvenile corrections facilities on staff, volunteers, vendors, etc., penalties increased: SSB 5078, \*SSB 5824, CH 188 (1987)

Assault on juvenile corrections officers, penalty increased: SB 5078, SSB 5078

Background investigations of persons being considered for hire by businesses that deal with children: \*2SSB 5063, CH 486 (1987)

Chewing tobacco and snuff, purchase by minors is a misdemeanor: SHB 76, SB 5092

Children and family services division, accountability boards established: SB 5386, 2SSB 5659

Children and family services pilot project, comprehensive system state-wide by 1990, continuum of services: \*2SHB 586, CH 503 (1987), SB 5553, SSB 5553, 2SSB 5553

Children's services staff training academy, DSHS: \*2SHB 586, CH 503 (1987)

Children's services staff training academy, implementation plan by DSHS and WWU: SB 5554

CPS, 72 hours excludes Saturdays: SB 5554, SSB 5659, \*2SSB 5659, CH 524 (1987)

Custody by law enforcement, holding area and parent contact process: SB 6030

Defacing public property: SSB 5145

Dependency, parents given review opportunity of CPS plan before disposition hearing: SB 5554, SB 5659, SSB 5659, \*2SSB 5659, CH 524 (1987)

Drivers' licenses, persons under 21, distinguishing features: \*SHB 83, CH 463 (1987), HB 292

Drug and alcohol prevention programs, liquor revolving fund: \*HB 1228, CH 458 (1987), SB 5070, SSB 5070

Drug transactions or business involving coercion of minors unlawful: \*HB 1228, CH 458 (1987), SB 5070, SSB 5070

Drugs, school ground transactions illegal: SB 5070, SSB 5070

Drugs, 20 year minimum sentence for offenses involving minors: SB 5121

Early childhood education program continued and expanded: \*2SHB 456, CH 518 (1987)

Erotic material, access of minors restricted: \*SHB 734, CH 396 (1987)

Governor's commission on children: \*2SHB 813, CH 473 (1987)

Indian children, placement, revisions: \*2SHB 480, CH 170 (1987), SB 5540, SSB 5540

Joint select committee on children and family services: 2SHB 586, SB 5553, SSB 5553, 2SSB 5553

Juvenile code, task force on permanency planning, continuation of effort: HCR 4409

Juvenile disposition standards, modification: SCR 8409

Juvenile offenders, diversion agreements: SB 5448

Liquor revolving fund, juvenile alcohol and drug prevention programs: \*HB 1228, CH 458 (1987), SB 5070, SSB 5070

Murder by juveniles, adult jurisdiction: SB 5661

Parenting, provisions revised: \*SHB 48, CH 460 (1987)

**CHILDREN/MINORS—cont.**

Pilot project, children and family services, comprehensive system state-wide by 1990, continuum of services: \*2SHB 586, CH 503 (1987), SB 5553, SSB 5553, 2SSB 5553

Sexual material, matter, and devices, minors' access to these vices prohibited: SB 5778

Spray paint, minors may not possess: SSB 5145

Suicide, study on teenage suicides authorized: SHB 873

Tobacco products, sale to person under 18 illegal, warning at point of sale: SHB 76

Tobacco, purchase by a minor, civil fine: SHB 76

**CHIROPRACTIC DISCIPLINARY BOARD**

Extended: \*SHB 1004, CH 160 (1987), SB 5890

**CHIROPRACTIC PRACTICE BOARD**

Established: SB 5969

**CHIROPRACTORS**

Adjunctive procedures, certification available: SB 6069

Clarifying practice rights, redefines chiropractic: SB 6069

**CHOPAKA MOUNTAIN**

Natural resources conservation areas, designation process: SB 5322

**CHORE SERVICES**

Appropriating money for additional chore services: \*HB 1261, CH 2 E2 (1987)

New clients, maximize use of COPES for those requiring chore or personal care services: \*HB 1261, CH 2 E2 (1987)

**CHRISTMAS TREES**

Seedlings and plantation trees exempt from real property tax: \*HB 1, CH 23 (1987), SB 5098

**CHURCHES**

Educational ministries, truancy exemption: SB 5208

Property tax exemption extended to leased property: SB 5387, SSB 5387

**CIGARETTES**

Purchase by a minor, civil fine: SHB 76

Retailers and wholesalers, stamp compensation modified: \*HB 209, CH 496 (1987)

Retailers' license required, revokable for sale to minors: SHB 76, SB 5092

Tax on tobacco products, revenue to be used for education on the harmful effects of tobacco: SB 5754

Tax provisions consolidated: \*SB 5139, CH 80 (1987)

Taxes, enforcement provisions expanded: \*HB 209, CH 496 (1987), SB 5243

Taxes, search and seizure of contraband, enforcement provisions expanded: \*HB 209, CH 496 (1987), SB 5243

Wholesalers and retailers, revisions: SB 5609

**CITIES**

Annexations, further municipal annexations must be tied to original: SHB 117

Boundaries, dates established for cementing of boundaries for levy purposes: \*SHB 578, CH 358 (1987)

Criminal justice account created, funded through a retail sales and use tax, money used for local government: SB 5101

Firefighter pension fund levy limitation for certain annexations: \*HB 772, CH 319 (1987)

Initiative and referendum powers specified: HB 959

Insurance, excess insurance: SB 5262

Loans from public agencies, loan agreements and debtor/creditor obligations set forth: \*SHB 263, CH 19 (1987)

Local improvements owned by public corporations, corporation may use municipal financing methods: \*HB 1014, CH 242 (1987)

**CITIES—cont.**

- Ordinances, small cities may publish summaries versus entire content: \*SB 5428, CH 400 (1987)  
 Retirement costs, payment of costs related to excess compensation, alternative payment plan: SB 5856  
 Retirement, restoration of withdrawn contributions by local elected officials: \*SB 5402, CH 88 (1987)  
 Retirement, state-wide city employees' retirement system, transfer of service credit: \*HB 10, CH 417 (1987)  
 Solid waste management, cities and their counties to have a single authority between them: SHB 115, SB 5218  
 Taxes, regular ad valorem tax levies, threshold modified: SB 5580  
 Transportation benefit districts may be established: \*HB 396, CH 327 (1987), SB 5734

**CIVIL ACTIONS AND PROCEDURES (See also COURTS)**

- Alcohol, social host, guests, licensees, etc., legal actions defined: SB 5867  
 Attorney fees, torts, determination of reasonableness: SB 6048, \*SSB 6048, CH 212 (1987)  
 Frivolous actions, revisions: SB 6048, \*SSB 6048, CH 212 (1987)  
 Health care claims, impute knowledge of parent to minor: SB 6048, \*SSB 6048, CH 212 (1987)  
 Joint and several liability revised: SB 5317  
 Major revisions: SB 5262, \*SSB 6048, CH 212 (1987)

**CIVIL DISORDERS**

- Gun demonstrations for civil disorder purposes prohibited: SB 5744  
 Select committee to study groups that advocate and teach furtherance of civil disorders: SB 5744

**CIVIL INFRACTIONS**

- Misdemeanors, many decriminalized, system of civil infractions established: \*2SHB 684, CH 456 (1987), SB 5083, SSB 5083  
 Task force established: \*2SHB 684, CH 456 (1987), SB 5083, SSB 5083

**CIVIL LIBERTIES**

- Noisemaking or luring game away from hunters is illegal: SB 5185  
 Vagrancy, penalties: SB 5596, SSB 5596

**CIVIL RIGHTS**

- Capital punishment execution dates, renewed death warrants don't require defendant's presence: \*SB 5549, CH 286 (1987)  
 Restoration of civil rights: SB 5655, SSB 5655  
 Spray paint may not be possessed by minors: SSB 5145  
 Writ of mandamus authorized for certain permit denials involving 1st and 14th amendment: HB 555

**CIVIL SERVICE EXEMPTIONS**

- Centennial commission, deputy executive secretary: \*HB 549, CH 300 (1987)  
 Police and fire chiefs: \*SHB 902, CH 339 (1987)  
 Western library network: \*HB 135, CH 389 (1987)

**CLARK COMMUNITY COLLEGE DISTRICT NO. 14**

- William G. Morris, trustee, GA 9092, confirmed ..... pp. 147, 935, 2409  
 Sally G. Schaefer, trustee, GA 9157 ..... p. 2707

**CLARK, GIRARD**

- Trustee, Spokane community college district no. 17,  
 GA 9090, confirmed ..... pp. 146, 1502, 2409

**CLARKE, CHARLES C.**

- Director, Department of Community Development, GA 9131 ..... p. 2703



**CLEMENCY AND PARDONS BOARD**

Judge B. J. McLean, reappointed member,  
GA 9055, confirmed ..... pp. 35, 117, 140

**CLINE, CINDY**

Queen, apple blossom royalty introduced and addressed senate ..... p. 383

**CLOTHING**

Donated to low-income persons, sales tax exempt: SB 5355

**CLUBS**

Liquor sales by the bottle, class H license: SB 5130

Liquor sales by the bottle for club with overnight sleeping accommodations: \*SSB 5130, CH 196 (1987)

**COAL**

Mining on public lands regulated: SB 5193, \*SSB 5193, CH 20 (1987)

**COAST AND SHORELANDS (See also OCEAN RESOURCES)****CODE REVISER**

Agency rules, failure to adopt, review by rules review committee: SB 5058, \*SSB 5058, CH 451 (1987)

Operating budget: \*SHB 1221, CH 7 E1 (1987)

Rules review committee, suspension of agency rules authorized: SB 5057

**COLLECTION AGENCIES**

District courts may use: SB 5464, \*SSB 5464, CH 266 (1987)

Records preservation: \*SB 6065, CH 85 (1987)

**COLLECTIVE BARGAINING**

Colleges and universities: SB 5224

Community colleges: SB 5225, \*SSB 5225, CH 314 (1987)

Continuity of agreements, successor employers: SB 5353

Expired agreements stay in effect until execution of successor agreements: SHB 114, SB 5484

Family or medical leave: 2SHB 565

Fire fighters and emergency medical personnel, uniformed personnel definition revised: \*SHB 498, CH 521 (1987)

Jails and radio dispatch personnel: SB 6022

Judges included within definition of public employer for collective bargaining purposes: SHB 226

Printers at the University of Washington: \*HB 220, CH 484 (1987)

State patrol: SB 5312, \*SSB 5312, CH 135 (1987)

**COLLEGES AND UNIVERSITIES**

Admission policies, student performance, report, operating budget: \*SHB 1221, CH 7 E1 (1987)

Collective bargaining: SB 5224

Commercial activities that compete with private sector, review: SB 5688, \*SSB 5688, CH 97 (1987)

Day care, survey of available day care to be made: SSB 5871, \*2SSB 5871, CH 287 (1987)

Distinguished professorship trust fund program established, matching funds: \*2SHB 339, CH 8, (1987), SB 5474

Equipment costs, benefits, report, operating budget: \*SHB 1221, CH 7 E1 (1987)

Faculty turnover rate, report, operating budget: \*SHB 1221, CH 7 E1 (1987)

Financial aid adjustment increased as it relates to tuition increases: SB 5482

Financial aid for part-time students authorized: SB 5873

Financial aid, reject reductions: SJM 8009

Financial aid, student's concerns conveyed about budget cuts: SJM 8014

Foreign students, tuition waivers, limited number: SB 5958

Graduate fellowship trust fund established: \*2SHB 257, CH 147 (1987)

Graduate fellowship trust fund program: SB 5660

**COLLEGES AND UNIVERSITIES—cont.**

- Grant program for needy students attending private schools: SB 5748
- Idaho, tuition and fee reciprocity contingent on Idaho's income tax treatment of Washington residents: SB 5821
- Minority recruitment and services, operating budget: \*SHB 1221, CH 7 E1 (1987)
- Minority student enrollment and drop-out rates, report, operating budget: \*SHB 1221, CH 7 E1 (1987)
- Nonresident definition revised: SB 5712
- Nonresident fee differential waived for students who attended in-state high schools: \*HB 1180, CH 137 (1987)
- Nonresident status, temporary resident status: \*SB 5712, CH 96 (1987)
- Off campus services, report, operating budget: \*SHB 1221, CH 7 E1 (1987)
- Operating budget: \*SHB 1221, CH 7 E1 (1987)
- Part-time students, financial aid authorized: SB 5873
- Printing authority modified: \*SSB 5179, CH 72 (1987)
- Private schools, grant program for needy students: SB 5748
- Private, state contracts for instructional services with independent schools authorized: SB 5430
- Retirement, certain leaves of absence do not reduce retirement: \*SB 5483, CH 448 (1987)
- Salaries increased apparently depending on status of school: SB 5497
- Salaries increased, dependent on salary inequity, varies between institutions: SB 5000
- Salary increase for each school, 5% to UW and WSU, 4.5% for other 4 year schools, 4% to community colleges: SSB 5497
- Salary increases, operating budget: \*SHB 1221, CH 7 E1 (1987)
- Salary report, operating budget: \*SHB 1221, CH 7 E1 (1987)
- Scholarship program for low-income working persons and single heads of household, public and private cooperation: \*HB 1021, CH 305 (1987), SB 5461
- Student loan guarantee agencies, tax exemption: \*HB 1090, CH 433 (1987)
- Tax exemption for personal property donated for direct instructional purposes: SSB 5476
- Teacher preparation, exit examination from college required: HB 485, \*SSB 5479, CH 525 (1987), SB 5622
- Teacher preparation program, award for excellence: SB 5246
- Teacher preparation, tests to determine competency before admittance to professional program: HB 485, \*SSB 5479, CH 525 (1987), SB 5622
- Teachers, administrators, etc., standards review program: \*SB 5247, CH 39 (1987)
- Teachers, future teachers' conditional scholarship program: \*SHB 857, CH 437 (1987)
- Teachers, loan program for prospective teachers and teachers getting more endorsements: SB 5937
- Teachers, mentor teachers and principals as part of teacher preparation program: SB 5479
- Teachers, pilot program to enhance student teaching: SB 5152
- Tuition and fee increases, financial aid adjustment increased: SB 5482
- Tuition and fee installment payments: \*SHB 492, CH 15 (1987)
- Tuition and fee waivers modified for Washington scholar award recipients: \*SB 5110, CH 465 (1987)
- Tuition and fees, reciprocal programs, continuing: \*SHB 1097, CH 446 (1987), SB 5821
- Tuition and fees, reciprocal programs with Idaho contingent on Idaho's income tax treatment of Washington residents: SB 5821
- Tuition at the regional schools and TESC changed: SB 5872
- Tuition waivers for foreign students, limited number: SB 5958
- Vocational excellence award recipients, tuition and fee waivers for two years: \*SHB 138, CH 231 (1987), SB 5203
- Washington fund for excellence in higher education program, grants to encourage improvements: SB 5475

**COLLEGES AND UNIVERSITIES—cont.**

Washington scholars award, tuition and fee waivers for private schools: SB 5558  
 Washington scholars award, tuition and fee waivers modified: \*SB 5110, CH 465  
 (1987)

**COLLIGAN, BERNARD**

Member, juvenile disposition standards commission, GA 9127 ..... p. 2628

**COLLISIONS**

Livestock and motor vehicles, livestock's presumed negligence removed: SB 5171

**COLUMBIA BASIN COMMUNITY COLLEGE DISTRICT NO. 19**

Rodolfo Cruz, trustee, GA 9097, confirmed ..... pp. 171, 971, 2410  
 Minh-Anh T. Hodge, trustee, GA 9063, confirmed ..... pp. 36, 933, 2048

**COLUMBIA BASIN PROJECT**

Water rights, nonrelinquishment, categories modified: \*SB 6003, CH 491 (1987)

**COLUMBIA RIVER**

Columbia River Gorge commission, operating budget: \*SHB 1221, CH 7 E1 (1987)

Columbia River Gorge interstate compact, commission established: \*2SHB 426,  
 CH 499 (1987), SB 5472

Compact between Oregon and Washington entered into: SB 5472

Exploration in May of 1792 to be celebrated, joint commemoration with Oregon  
 urged: SCR 8417

Municipal water treatment discharge, standards adjusted to reflect credit for  
 substances removed: \*SHB 571, CH 399 (1987)

**COMMENTS**

Substitute senate bill no. 5090 ..... p. 606

**COMMERCIAL COACHES**

Account created for L & I fees for inspections and insignia fees: SB 5375, SSB 5375  
 Building codes for factory built housing: SSB 5375

**COMMISSION MERCHANTS**

Fees, modifications: \*SHB 353, CH 393 (1987)

**COMMISSIONS**

Apple advertising commission, bond issuance for new facilities: \*SB 5685, CH 6  
 (1987)

Boxing commission name changed to state athletic commission: SB 5364, SSB 5364

Child support schedule commission established: \*SHB 418, CH 440 (1987)

Citizens' commission on salaries for elected officials, supplemental appropriation:  
 \*HB 315, CH 1 (1987)

Columbia River Gorge commission: \*2SHB 426, CH 499 (1987), SB 5472

Efficiency and accountability in government, temporary commission: \*SHB 833,  
 CH 480 (1987)

Fair competition review commission established: SB 5708

Governor's commission on children: \*2SHB 813, CH 473 (1987)

Local governance study commission extended: \*SHB 296, CH 16 (1987)

Major revisions to various boards and commissions: \*SHB 454, CH 330 (1987), SB  
 5366, SSB 5366

Mental sports competition and research advisory committee: \*2SHB 456, CH 518  
 (1987), SB 5056

Mexican-American affairs commission redesignated the commission on Hispanic  
 affairs: \*SSB 5191, CH 249 (1987)

Mexican-American affairs commission, redesignating as the commission on  
 Latin-American affairs: SB 5191

Rail development commission created: \*SHB 1035, CH 429 (1987)

Retirement service for members of committees, boards, and commissions revised:  
 \*HB 406, CH 146 (1987)

Sunrise act adopted: \*SB 5764, CH 342 (1987)

Wine commission established: \*2SHB 569, CH 452 (1987), SB 5503, SSB 5503

**COMMISSIONS—cont.**

Winter recreation commission reestablished: SB 5081, \*SSB 5081, CH 526 (1987)

**COMMITTEES**

Children and family services, joint select committee: 2SHB 586, SB 5553, SSB 5553, 2SSB 5553

Convention and trade center, joint legislative committee created, report on alternatives of financing and management: \*SSB 5901, CH 8 E1 (1987)

Displaced homemaker advisory committee to be established by the higher education coordinating board: SB 5253, \*SSB 5253, CH 230 (1987)

International education issues, advisory committee to assist SPI, programs: \*SB 5463, CH 349 (1987)

Long-term care advisory board created: SB 5270

Long-term care advisory committee created to advise office in DSHS: SB 5614

Mediation, committee for mediation created, natural resource disputes: SHB 12

Naturopathic advisory committee created: SB 5219

Pensions, joint committee on pension policy: \*HB 358, CH 25 (1987), SB 5359

Prenatal test advisory committee formed: SB 5378, SSB 5378

Respiratory care, advisory committee created: \*SHB 767, CH 415 (1987), SB 5935

Retirement service for members of committees, boards, and commissions revised: \*HB 406, CH 146 (1987)

Solid waste, preferred solid waste management committee: \*SSB 5570, CH 528 (1987)

Telecommunications, joint select committee extended: HCR 4401

Terrorism, a select committee to study groups that advocate and teach furtherance of civil disorders: SB 5744

**COMMODITIES**

Grain indemnity fund created: \*SB 5571, CH 509 (1987)

Revisions regarding procedure, assessments, and loans: \*SHB 353, CH 393 (1987)

**COMMODITY BROKERS**

License revisions: \*SB 5178, CH 243 (1987)

**COMMON CARRIERS**

Driver qualifications: SB 5760

Idaho requested to exempt nonresident common carriers employees from income tax: SJM 8013, SSJM 8013

Idaho residents working in bordering Washington counties to pay tax: SB 5956

Motor carrier safety act: \*SJM 8006 (1987)

Motor freight carrier brokers regulated: SB 5844

Motor freight carriers, regulating: SB 5284, SB 5998

Tax revisions for those who cross state lines: SJM 8012, SSJM 8012

**COMMUNICABLE DISEASES (See also AIDS)**

Notification of death from an infectious or communicable disease: HB 814

**COMMUNITY COLLEGE EDUCATION, STATE BOARD FOR**

Mitchell Bower, Jr., member, GA 9143 ..... p. 2704

James W. Caley, member, GA 9066 ..... p. 37

Philip S. Hayes, reappointed member,

GA 9058, confirmed ..... pp. 35, 1501, 2047

Lawrence E. Sanford, reappointed member, GA 9138 ..... p. 2704

Max M. Snyder, reappointed member,

GA 9067, confirmed ..... pp. 37, 1502, 2049

Dr. and Mrs. John Terrey, retired ex. director, introduced and addressed senate p. 1517

**COMMUNITY COLLEGES**

Admission policies, student performance, report, operating budget: \*SHB 1221, CH 7 E1 (1987)

Capital budget: \*SHB 327, CH 6 E1 (1987)

**COMMUNITY COLLEGES—cont.**

- Capital incentives program, matching fund program for capital construction: SB 5383, SSB 5383, 2SSB 5383
- Collective bargaining: SB 5225, \*SSB 5225, CH 314 (1987)
- Contracts by governmental entities with college shall pay legislated salary increases: \*HB 171, CH 407 (1987)
- Day care facilities required: SB 5871
- Day care, survey of available day care to be made: SSB 5871, \*2SSB 5871, CH 287 (1987)
- Deaf students, nonresident fee waiver: \*SB 5678, CH 390 (1987)
- Distinguished professorship funding, matching grant program: SB 5429
- Education consolidation act of 1987, K-12 and community colleges: SB 5839
- Equipment costs, benefits, report, operating budget: \*SHB 1221, CH 7 E1 (1987)
- Faculty members, reduced work load options for tenured faculty members: SB 5953
- Faculty ranking system: SB 5742
- Faculty turnover rate, report, operating budget: \*SHB 1221, CH 7 E1 (1987)
- Instructional improvement program, matching grant program: SB 5429
- International student exchange program established: \*SB 5197, CH 12 (1987)
- Literacy, program for parents in head start or early childhood education programs: \*2SHB 456, CH 518 (1987), SB 5476, SSB 5476, SB 5629
- Literacy tutor coordination project: \*SHB 1221, CH 7 E1 (1987)
- Matching fund program for capital construction: SB 5383, SSB 5383, 2SSB 5383
- Minority student enrollment and drop-out rates, report, operating budget: \*SHB 1221, CH 7 E1 (1987)
- Nonresident definition revised: SB 5712
- Nonresident fee waiver for deaf students: \*SB 5678, CH 390 (1987)
- Off-campus services, report, operating budget: \*SHB 1221, CH 7 E1 (1987)
- Operating budget: \*SHB 1221, CH 7 E1 (1987)
- Puyallup extension, capital budget: \*SHB 327, CH 6 E1 (1987)
- Retirement benefits for part-time teachers revised: \*SHB 1128, CH 265 (1987)
- Retirement, certain leaves of absence do not reduce retirement: \*SB 5483, CH 448 (1987)
- Retirement provisions modified, supplemental pension benefits eliminated: SHB 53
- Salaries increased apparently depending on status of school: SB 5497
- Salaries increased, dependent on salary inequity, varies between institutions: SB 5000
- Salary increase, 4%: SSB 5497
- Salary increases, governmental entities contracting with colleges shall pay legislated increases: \*HB 171, CH 407 (1987)
- Salary increases, operating budget: \*SHB 1221, CH 7 E1 (1987)
- Salary report, operating budget: \*SHB 1221, CH 7 E1 (1987)
- Salary review by OFM, operating budget: \*SHB 1221, CH 7 E1 (1987)
- Tuition and fee installment payments: \*SHB 492, CH 15 (1987)
- Tuition and fee reciprocity, British Columbia and Idaho: \*SHB 1097, CH 446 (1987), SB 5821
- Tuition changed: SB 5874
- Vocational education, integrated state plan, operating budget: \*SHB 1221, CH 7 E1 (1987)
- Vocational education, transition period, task force on vocational education, temporary transfer of commission to SPI: SSB 5839
- Vocational excellence award recipients, tuition and fee waivers for two years: \*SHB 138, CH 231 (1987), SB 5203
- Washington fund for excellence in higher education program, grants to encourage improvements: SB 5475

**COMMUNITY DEVELOPMENT, DEPARTMENT OF**

Charles C. Clarke, director, GA 9131 ..... p. 2703

**COMMUNITY DEVELOPMENT, DEPARTMENT OF—cont.**

- Business and job retention, DCD to assist DTED: SB 6050  
 Capital budget: \*SHB 327, CH 6 E1 (1987)  
 Child abuse and neglect, primary prevention program in the schools: SB 5252, SSB 5252, \*SSB 5252, CH 489 (1987)  
 Child abuse prevention, operating budget: \*SHB 1221, CH 7 E1 (1987)  
 Child care, office of child care resources created: SB 6013  
 Citizen assessment and public information volunteer staff within DCD, shareholder theme, centennial celebration: SB 5573  
 Community revitalization team program, revising requirements: \*SHB 1156, CH 461 (1987)  
 Development loan fund program, revising requirements: \*SHB 1156, CH 461 (1987)  
 Earthquake information dissemination and surveys: SB 5885, SSB 5885  
 Employee ownership technical assistance program: \*SHB 430, CH 457 (1987)  
 Endangered landmarks preservation fund: SSB 5639  
 Fishing, economic contribution of sport and commercial salmon and sturgeon fishing, operating budget: \*SHB 1221, CH 7 E1 (1987)  
 Historic sites, DCD authorized to acquire, rehabilitate, and sell: SB 5639  
 Housing trust fund, funding modified: \*2SHB 164, CH 513 (1987)  
 Indian tideland and river bed claims, DCD to study impact of claims on employment, investment, and tax revenues: SSB 5973  
 Industrial development corporations, DCD authorized to contract with 5 for management assistance: SB 5398  
 Investment opportunities office: 2SSB 5398, SB 5589  
 Literacy, program for parents in head start or early childhood education programs: \*2SHB 456, CH 518 (1987), SB 5476, SSB 5476, SB 5629  
 Loans to municipal corporations, loan agreements and debtor/creditor obligations explained: \*SHB 263, CH 19 (1987)  
 Local reemployment centers: SB 5441, SSB 5441  
 Local reemployment centers, operating budget: \*SHB 1221, CH 7 E1 (1987)  
 Low-income migrant and seasonal workers, review needs, operating budget: \*SHB 1221, CH 7 E1 (1987)  
 Mobile home park purchase fund established: \*SHB 995, CH 482 (1987), SB 5766  
 Navy home port impact, funds to offset: \*SHB 611, CH 272 (1987)  
 Operating budget: \*SHB 1221, CH 7 E1 (1987)  
 Public broadcasting funding: SB 5285, \*SSB 5285, CH 308 (1987)  
 Rural development studies, DCD directed to conduct, heavy telecommunications emphasis: \*SHB 373, CH 293 (1987)  
 Salmon, economic impact of harvest on local economy, DCD: SHB 223, \*SHB 1221, CH 7 E1 (1987)  
 School children, health and assessment services before school year begins, pilot program: SB 5625, SSB 5625  
 Seismic safety council created: SB 5885, SSB 5885  
 Shareholder program, centennial celebration, communication on public issues, DCD duties: SB 5573  
 Sturgeon, economic impact of harvest on local economy, DCD: SHB 223, \*SHB 1221, CH 7 E1 (1987)  
 Tri-cities, diversify economy: \*SHB 1132, CH 501 (1987)  
 Video, state-wide network, study, operating budget: \*SHB 1221, CH 7 E1 (1987)  
 Weatherization of low-income residences: SB 5014, \*SSB 5014, CH 36 (1987)  
 Winter recreation, Okanogan county, operating budget: \*SHB 1221, CH 7 E1 (1987)

**COMMUNITY DOCKS**

- Limited construction of community docks for multiple family residential use: SB 5784, \*SSB 6061, CH 474 (1987)

**COMMUNITY ECONOMIC AND REVITALIZATION BOARD**

- Created anew: SB 5776, SSB 5776

**COMMUNITY ECONOMIC AND REVITALIZATION BOARD—cont.**

Membership and powers revised: \*SHB 743, CH 422 (1987)

Public works improvements to attract and maintain industry and in response to growth: \*SHB 743, CH 422 (1987)

**COMMUNITY PROPERTY (See also RETIREMENT AND PENSIONS)**

Military retirement pay: SB 5278, SSB 5278

**COMPACT FOR EDUCATION**

Operating budget: \*SHB 1221, CH 7 E1 (1987)

**COMPARATIVE FAULT**

Consortium, revisions: SB 6048, \*SSB 6048, CH 212 (1987)

Joint and several liability revised: SB 5317

**COMPETITIVE BIDDING**

Architectural and engineering services, public contracts requirements only for public works exceeding \$15,000: SB 5750

Public contracts, threshold increased for competitive bid requirement: \*SHB 186, CH 120 (1987)

Public works, certain agencies, competitive bid and advertisement threshold modified: \*SB 5522, CH 218 (1987)

School transportation contracts: \*HB 827, CH 141 (1987), SB 5662

Sewer and water districts, revisions: SB 5514, \*SSB 5514, CH 309 (1987)

Sewer and water districts, lowest responsible bidder, elements to consider: SB 5514

Single craft or trade involved, street signalization or street lighting: \*SHB 186, CH 120 (1987)

Single-source purchases, services, or market conditions, direct negotiation OK: \*SHB 186, CH 120 (1987)

State purchases, threshold increased: SB 5180, \*SSB 5180, CH 81 (1987)

Threshold revised every two years: \*SSB 5180, CH 81 (1987)

**COMPUTERS**

Information services department created: \*2SSB 5555, CH 504 (1987)

Information technology department created: SB 5555, SSB 5555

Rural development studies, DCD directed to conduct, heavy telecommunications emphasis: \*SHB 373, CH 293 (1987)

Video display terminals, study by the UW on health and safety hazards, operating budget: \*SHB 1221, CH 7 E1 (1987)

Work conditions, L & I to regulate: SB 5486, SSB 5486

**CONCURRENT RESOLUTIONS**

Adjourning the legislature, April 26, 1987: \*SCR 8415 (1987)

Adjournment of legislature, transmittal of bills, etc., provided for: \*SCR 8414 (1987)

Adjournment, 1987 regular session, notifying Governor: HCR 4421

Columbia River exploration in May of 1792 to be celebrated, joint commemoration with Oregon urged: SCR 8417

Cutoff dates for the 1987 session: \*SCR 8402, (1987)

Disabled persons included as minorities for affirmative action purposes: SCR 8403

Disabled persons, report on the progress in implementing employment recommendations: \*SCR 8404 (1987)

Employment and the family, select committee: \*HCR 4418 (1987)

Gillnet fishing during daylight hours, rule development: SHCR 4403

Governor notified that the legislature is ready for business: \*SCR 8400 (1987)

Governor notified that the 1987 first special session is organized: \*HCR 4420 (1987)

Joint rules adopted: \*SCR 8401 (1987)

Joint session on 4/9/87 to honor state medal of merit recipients: \*HCR 4415 (1987)

Juvenile code, task force on permanency planning, continuation of effort: HCR 4409

**CONCURRENT RESOLUTIONS—cont.**

Juvenile disposition standards, modifies the standards as resubmitted by the commission: SCR 8409  
 Labor-management relations, joint select committee established: \*SCR 8413 (1987)  
 Management and efficiency, commission created: SCR 8411  
 Marine and ocean resources, joint committee created: \*SHCR 4407 (1987), SCR 8406  
 Memorial service: \*HCR 4406 (1987)  
 Pacific fisheries task force established: HCR 4402  
 Reintroduction of bills from the regular 1987 session to the special 1987 session: \*SCR 8416 (1987)  
 Returning all bills to house of origin: \*SCR 8418 (1987)  
 Senator Al Henry recognized: \*HCR 4404 (1987), SCR 8405  
 Sine die, April 26, 1987, notify the Governor: \*HCR 4419 (1987)  
 Sine die, 1987 special session: \*HCR 4423 (1987)  
 Small business conference supported: SCR 8410  
 Special session, 1987, providing procedures to convene: \*HCR 4422 (1987)  
 State convention and trade center, joint select investigative committee: SCR 8412, SSCR 8412  
 State of the state message, joint session: \*HCR 4400 (1987)  
 Telecommunications, joint select committee extended: \*HCR 4401 (1987)  
 Transportation in the future symposium sponsored: HCR 4411  
 Trucking regulations, reduce duplication: \*SCR 8408 (1987)  
 Vocational rehabilitation, joint select committee established: SCR 8407

**CONDOMINIUMS**

Definition includes parking stalls: HB 1092, \*SSB 5825, CH 383 (1987), SB 5891  
 Revisions to plans that must be filed: SB 5825, \*SSB 5825, CH 383 (1987)  
 Statutory committee to reform law: SB 5825, \*SSB 5825, CH 383 (1987)  
 Uniform condominium act: SB 5884

**CONFERENCES**

Nonprofit organizations, money received for camping, conferences, and recreational services is tax exempt: SB 6002, SSB 6002

**CONFLICT OF INTEREST**

State employees and officials, revised: \*SB 5201, CH 426 (1987)

**CONNOR, SENATOR PAUL H.**

Appointed member natural resources, rules and transportation committees p. 24  
 Appointed interim member legislative transportation committee ..... p. 2648

**CONRAD, ERNEST M.**

Trustee, Olympic community college district no. 3,  
 GA 9111, confirmed ..... pp. 565, 971, 2450

**CONSENT (See also IMPLIED CONSENT)**

Health care, priorities as to who may consent for another: \*SHB 763, CH 162 (1987)

**CONSERVATION**

Appliance energy conservation code, adoption urged: SJM 8002, SSJM 8002  
 Dangerous wastes, DOE to operate a waste exchange between industries: SHB 332  
 Energy, conservation as a source of electrical energy for joint operating agencies: \*HB 541, CH 376 (1987)  
 Mineral wool product insulation inspectors, certifying: SB 5691, SSB 5691  
 Natural resources conservation areas, designation process: SB 5322, SSB 5322, \*SSB 5911, CH 472 (1987)  
 Natural resources conservation areas, real estate excise tax to fund purchase: \*SSB 5911, CH 472 (1987)  
 Vanpool laws revised: \*HB 559, CH 175 (1987)



**CONSERVATION—cont.**

Water conservation measures: SB 5314, SSB 5314

**CONSERVATION COMMISSION**

Capital budget: \*SHB 327, CH 6 E1 (1987)

Membership enlarged: \*SHB 329, CH 180 (1987), SB 5457, SSB 5457

Operating budget: \*SHB 1221, CH 7 E1 (1987)

Water quality account, a percentage must be transferred to the state conservation commission: \*HB 326, CH 527 (1987), SB 5349, SSB 5349, SB 5542, SB 6051

Water quality account, mandatory 1/4% of 2 1/2% transferred to conservation commission to be spent on research: \*HB 326, CH 527 (1987)

**CONSERVATION CORPS (See YOUTH EMPLOYMENT)****CONSERVATION DISTRICTS**

Members and employees, liability limited: SB 5713, SSB 5713

**CONSTITUTIONAL AMENDMENTS (See JOINT RESOLUTIONS)****CONSTRUCTION (See also CONTRACTORS)**

Speculative builders, taxing labor rendered in constructing, repairing or improving the building: SB 5094, \*SSB 5094, CH 285 (1987)

**CONSULAR LICENSE PLATES**

Special plates: SB 5423, \*SSB 5423, CH 237 (1987)

**CONSUMER PROTECTION**

Attorney general use of information that may be used in federal suit, clarified: \*HB 142, CH 152 (1987)

Health care professionals, omnibus registration act: SB 5752

Insurance consumer board created: SB 5875

Insurance, unfair or deceptive acts or practices, specified, remedies: SB 5507, SSB 5507

Medicare, other federal medical programs, consumer protection provisions: SB 5781

Medicare violations, consumer protection: INT 92

Mobile home installation and siting covered by consumer protection law: \*SSB 5814, CH 313 (1987)

Motor vehicle warranties, enforcement provisions: SB 5502, \*SSB 5502, CH 344 (1987)

Trade or commerce violations that constitute unfair or deceptive acts or practices, consumer protection violations: SB 5374

Utility information, marketing of customer information regulated: SHB 244, SSB 5143

**CONTINGENT FEE**

Lobbyists' contingent fee contracts prohibited: \*SB 5936, CH 201 (1987)

**CONTINUING CARE**

Retirement care communities, regulating: SB 5854, SSB 5854

**CONTRACTORS**

Advertising as a contractor without being registered is a misdemeanor: SSB 5024  
Advertising by contractors to show registration number: SB 5024, \*SSB 5024, CH 362 (1987)

Advertising without being registered is a misdemeanor: \*SSB 5024, CH 362 (1987)

Architectural and engineering services, public contracts requirements only for public works exceeding \$15,000: SB 5750

Farm contractor security bonds: \*SHB 750, CH 216 (1987), SB 5645

Insurance requirements may be met by security or an assigned account: \*SB 5882, CH 303 (1987)

Manufactured housing, registration law application: \*SSB 5814, CH 313 (1987)

Mechanics and materialmen's infractions, each day and each worksite is a separate infraction: SB 5790

**CONTRACTORS—cont.**

Registration and disclosure procedures: \*SHB 364, CH 419 (1987)

Registration denied if outstanding unsatisfied judgments exist: \*SSB 5024, CH 362 (1987)

Repairman time of arrival must be specified: SB 5485

**CONTRACTS**

Colleges and universities, independent, state contracts for instructional services: SB 5430

Commodity brokers, license revisions: \*SB 5178, CH 243 (1987)

Motor vehicle purchases, service charge on retail installment sales limited: SHB 366

Premarital agreement act: SB 5033

Public contracts, threshold increased for competitive bid requirement: \*SHB 186, CH 120 (1987)

Uniform premarital agreement act: SB 5033

**CONTRIBUTORY FAULT**

Consortium, revisions: SB 6048, \*SSB 6048, CH 212 (1987)

Employer immunity, third-party defendants, wilful disregard of safety: SB 5491

Joint and several liability revised: SB 5317

**CONTROLLED SUBSTANCES**

Crack houses and the like, unlawful to rent, lease or use the property for drug distribution: \*HB 1228, CH 458 (1987), SB 5070, SSB 5070

Crack houses, public nuisance: SB 5070, SSB 5070

Homicide, controlled substances homicide, class B felony: \*HB 1228, CH 458 (1987), SB 5070, SSB 5070, SB 5362

Liquor revolving fund, juvenile alcohol and drug prevention programs: \*HB 1228, CH 458 (1987), SB 5070, SSB 5070

Methadone treatment programs, certification requirements changed: \*SHB 876, CH 410 (1987)

Penalties increased: SB 5701

School ground transactions illegal: SB 5070, SSB 5070

Transactions or business involving coercion of minors unlawful: \*HB 1228, CH 458 (1987), SB 5070, SSB 5070

Twenty year minimum sentence for offenses involving minors: SB 5121

Wire-tapping, one-party consent law changed: SB 5070, SSB 5070, SB 5254, SB 5362

**CONVENIENCE STORES**

Work hours of 11 p.m. to 6 a.m., security measures required: SHB 473

**CONVENTION AND TRADE CENTER**

Authority revised: \*SSB 5901, CH 8 E1 (1987)

Board membership to include a representative of hotel or motel management: \*SSB 5901, CH 8 E1 (1987)

Joint legislative committee created, report on the alternatives of financing and management: \*SSB 5901, CH 8 E1 (1987)

Joint select investigative committee: SCR 8412, SSCR 8412

**CONVENTIONS**

Funds received by nonprofits for conventions, etc., are exempt from B & O tax: SB 5521

**COORDINATING COUNCIL FOR NORTH AMERICAN AFFAIRS**

Deputy director Mark S. B. Cheng and Mrs. Cheng introduced and addressed senate ..... p. 114

**COOPERATIVE ASSOCIATIONS**

Immunity of directors: SB 5827

**COOPERATIVES**

Employee cooperatives authorized: \*SHB 430, CH 457 (1987)

**COPEs**

- Chore services, appropriating money for additional chore services: \*HB 1261, CH 2 E2 (1987)
- New clients, maximize use of COPEs for those requiring chore or personal care services: \*HB 1261, CH 2 E2 (1987)

**CORONERS**

- Immunity for death investigations: \*HB 590, CH 263 (1987)

**CORPORAL PUNISHMENT**

- Child abuse definition explicitly excludes corporal punishment: \*2SSB 5659, CH 524 (1987)

**CORPORATIONS**

- Director personal liability limited: SB 5102
- Employee cooperatives authorized: \*SHB 430, CH 457 (1987)
- Immunity, corporate and cooperative directors, revisions: SB 6048, \*SSB 6048, CH 212 (1987)
- Industrial development corporations, major revisions designed to help new and small businesses: HB 1124, SB 5398, SSB 5398, 2SSB 5398
- Industrial development corporations, renamed business and industrial development corporations: 2SSB 5398
- Nonprofit corporation, reinstatement, fees: \*HB 520, CH 117 (1987)
- Nonprofit corporations, director liability limited: SB 5141
- Nonprofit, disclosure of financial activities: SB 5717
- Nonprofit, disclosure of profit activities: SB 5683
- Nonprofit, historic preservation corporation: \*SB 5747, CH 341 (1987)
- Takeovers, hostile and unfriendly acquisitions regulated: \*SB 6084, CH 4 E2 (1987)
- Workers' compensation coverage modified: \*SHB 677, CH 316 (1987), SB 5612

**CORRECTIONS, DEPARTMENT OF**

- Chase A. Riveland, secretary, GA 9041, confirmed ..... pp. 32, 2067, 2638
- Assault of staff is a class C felony: SB 5824, \*SSB 5824, CH 188 (1987)
- Capital budget: \*SHB 327, CH 6 E1 (1987)
- Community custody program, sex offenders and violent offenders: 2SHB 756, SB 5577
- Conditionally released prisoners, payment provisions: SB 5551
- Corrections standards board duties transferred to OFM and DSHS: \*SHB 738, CH 462 (1987)
- Cost of prisoner care may be collected from prisoners: SB 5119
- Furloughs, revising conditions: SB 5676
- Inmate work programs, competitive impact study required: SB 5711
- Institutions may enter into purchasing contracts for health care program: \*SB 5161, CH 70 (1987), SB 5499
- Local and state government to share responsibility, resources, and convicts: \*SHB 755, CH 312 (1987), SB 5576
- Minority and women in top-level management positions, report to the legislature: \*SHB 1221, CH 7 E1 (1987)
- Operating budget: \*SHB 1221, CH 7 E1 (1987)
- Partial confinement programs, county and state funding responsibility: SB 5576

**CORRECTIONS STANDARDS BOARD**

- Merlyn M. Bell, member, GA 9031, confirmed ..... pp. 30, 117, 140
- Hector X. Gonzales, member, GA 9102, confirmed ..... pp. 377, 2068, 2413
- Justice department created: SB 5026, SSB 5026
- Membership altered, board extended: SB 5467
- Operating budget: \*SHB 1221, CH 7 E1 (1987)
- Transferring duties to OFM, DSHS, and corrections department: \*SHB 738, CH 462 (1987)

**COSMETICS**

DOE given regulatory authority, shall delegate to pharmacy board: \*SB 5160, CH 236 (1987)

**COSMETOLOGY SCHOOLS**

Bond, minimum established: \*SB 5597, CH 445 (1987)

**COSSER, ROBERT A.**

State patrol trooper introduced and addressed senate,

SFR 1987-8624 ..... p. 563

**COUNCILS**

Banking advisory council established to study diversification: SB 5257, SSB 5257

Seismic safety council: SB 5885, SSB 5885

Washington disability training and placement coordination council: SB 5326

**COUNSELING**

Children, available to those who have been abused: \*2SHB 586, CH 503 (1987)

Elementary school counselor program: 2SHB 456

Victims and witnesses of crimes, restitution may include counseling: \*SB 5172, CH 281 (1987)

**COUNSELORS**

Omnibus credentialing act for counselors: \*SHB 129, CH 512 (1987)

Rape by counselors, class C felony: SB 5695

**COUNTIES**

Boundaries, alteration, constitutional provisions modified: SJR 8203, SSJR 8203

Boundaries, dates established for cementing of boundaries for levy purposes:

\*SHB 578, CH 358 (1987)

Correction boards may be established: \*SHB 755, CH 312 (1987), SB 5576

Criminal justice account created, funded through a retail sales and use tax, money used for local government: SB 5101

Dances, public dances and recreational activities, county may regulate and license: \*SHB 289, CH 250 (1987)

Home rule charters, procedures for the adoption of: SHJR 4210

Insurance, excess insurance: SB 5262

Loans from public agencies, loan agreements and debtor/creditor obligations set forth: \*SHB 263, CH 19 (1987)

Mental health services, grant distribution formula: SB 5598, \*SSB 5598, CH 105 (1987)

Payday, modifications: SHB 226

Retirement, restoration of withdrawn contributions by local elected officials: \*SB 5402, CH 88 (1987)

Solid waste management, cities and their counties to have a single authority between them: SHB 115, SB 5218

Taxes, regular ad valorem tax levies, threshold modified: SB 5580

Telephone access services, taxation, revisions: SB 5946

Transportation benefit districts may be established: \*HB 396, CH 327 (1987), SB 5734

**COUNTY AUDITORS**

Motor vehicle licensing agents, fees and protection increased: \*SB 5120, CH 302 (1987)

**COUNTY COMMISSIONERS**

Creation of a 5 member board: SB 5020, SSB 5020

**COUNTY ROAD ADMINISTRATION BOARD**

Transportation budget: \*SSB 6076, CH 10 E1 (1987)

**COUNTY TREASURERS**

Collection of special assessments authorized: \*HB 698, CH 355 (1987)

**COURT OF APPEALS**

Sessions in additional cities: \*SB 5149, CH 43 (1987)

**COURTS**

Additional judges, evaluate using a weighted caseload analysis: \*SHB 217, CH 363 (1987), SB 5770, SSB 5770

Appellate procedure terminology revised: SB 5016

Capital budget: \*SHB 327, CH 6 E1 (1987)

Clerk records, signing by judge made discretionary: \*SHB 217, CH 363 (1987), SB 5279, SSB 5279

Clerk's handling of child support payments revised to allow clerk to send to recipient: \*SHB 217, CH 363 (1987), SB 5279, SSB 5279

Collection agencies, district courts may collect fines through: SB 5464, \*SSB 5464, CH 266 (1987)

Contributory fault, wilful disregard of safety by employer: SB 5491

Costs, remittal of court costs to state treasurer, revisions as to what cost is: SB 5826

Costs to be paid by convicted defendant modified: \*SHB 217, CH 363 (1987), SB 5279, SSB 5279

Credit cards, district courts may collect fines through: SB 5464, \*SSB 5464, CH 266 (1987)

Disputes, demonstration project, operating budget: \*SHB 1221, CH 7 E1 (1987)

District court terminology revised: \*SB 5017, CH 202 (1987)

District courts may collect fines through credit cards and collection agencies: SB 5464, \*SSB 5464, CH 266 (1987)

Domestic violence prevention orders, clarifying enforcement jurisdiction: \*SB 5067, CH 71 (1987)

Employer immunity, third-party defendants, wilful disregard of safety: SB 5491

Filing fees, payment increased: SB 5249, \*SSB 5249, CH 382 (1987)

Gender and minority bias in the courts, operating budget: \*SHB 1221, CH 7 E1 (1987)

Judges pro tempore, revisions concerning retiring judge who leaves discretionary rulings: \*SB 5205, CH 73 (1987), \*SJR 8207 (1987)

Judgments, employer immunity, third-party defendants, wilful disregard of safety: SB 5491

Judgments, enforcement of money judgments, assignment, satisfaction, recording: SB 5450

Judgments, enforcement revised: \*SHB 927, CH 442 (1987)

Judgments, settlement offers rejected, judgment 25% less than offer, fees, interest: SB 5490, SB 6015

Juries, instruction relative to fair and just verdict: SB 5356

Juror notification: SB 5279, SSB 5279

Justice department created: SB 5026

Marriage solemnization by court commission allowed: SB 5103

Mediations, evidence arising out of, admissibility restricted: SB 5079, SSB 5079

Misdemeanors, many decriminalized, system of civil infractions established: \*2SHB 684, CH 456 (1987), SB 5083, SSB 5083

Municipal court judges, nonattorneys, qualifications: SB 5592

Municipal court terminology revised: \*SB 5015, CH 3 (1987)

Operating budget: \*SHB 1221, CH 7 E1 (1987)

Personal representative's filing of receipts, retention period modified: \*SHB 217, CH 363 (1987), SB 5279, SSB 5279

Prejudgment interest, period of time for which interest is payable specified: SHB 877

Rule against perpetuities, statutory rule provided: SB 5470

Rules, revising statutes superseded by court rule: SB 5018

Salaries of superior and district court judges revised: SB 5770

Small claims court, appeals: SB 5943

Small claims court, jurisdiction increased to \$2,000: SB 5943

Small claims court, jurisdictional amount increased: SB 5198

**COURTS—cont.**

- Small claims court, model informational brochure to be prepared: SB 5943
- Superior court judges, additional for King: \*SSB 5206, CH 323 (1987)
- Superior court judges, additional for King, Chelan, and Douglas counties: SB 5206, \*SSB 5206, CH 323 (1987)
- Vehicular homicide and assault, courts may set terms of revocation: SB 5868, SSB 5868
- Writ of mandamus authorized for certain permit denials involving 1st and 14th amendment: HB 555

**COWLITZ RIVER**

- Municipal water treatment discharge, standards adjusted to reflect credit for substances removed: SHB 571

**COX, ANNE**

- Reappointed chair, interagency committee for outdoor recreation, GA 9118, confirmed ..... pp. 1309, 2407, 2454

**CRAB**

- Sevin, use prohibited in crab or juvenile anadromous fish habitat: SB 5038

**CRACK HOUSES**

- Nuisances, controlled substances: SHB 692
- Opium den language revised: SHB 692
- Public nuisance: SB 5070, SSB 5070
- Unlawful to rent, lease, or use the property for drug distribution: \*HB 1228, CH 458 (1987), SB 5070, SSB 5070

**CRASWELL, SENATOR ELLEN**

- Appointed member education, natural resources and ways and means committees ..... p. 24
- Point of order, amendments should be reconsidered, ESHB 26 ..... p. 1469
- Point of order, amendment to ESHB 26 ..... p. 1472

**CREDIT**

- Farm credit system, strengthening requested: \*SJM 8016 (1987)
- Insurance, credit insurance provisions revised: \*SHB 147, CH 130 (1987)

**CREDIT CARDS**

- Access devices, crimes involving access devices: \*SHB 508, CH 140 (1987)
- District courts to collect fines through credit cards and collection agencies: SB 5464, \*SSB 5464, CH 266 (1987)
- State use: \*SB 5523, CH 47 (1987)

**CREDIT UNIONS**

- Provisions revised: \*HB 146, CH 338 (1987)

**CRIME LABORATORY TASK FORCE**

- Established: SB 5460, SSB 5460

**CRIME VICTIMS COMPENSATION (See VICTIMS/WITNESSES OF CRIME)****CRIMES**

- Alcohol, unlawful to supply to minor: \*HB 1228, CH 458 (1987), SB 5070, SSB 5070
- Animal abuse, cruelty to animals, removal of animals revised, criminal procedures modified: SB 5608, \*SSB 5608, CH 335 (1987)
- Animal abuse, penalties increased, remedies: SB 5177
- Animal research outlawed: SB 5007
- Assault on juvenile corrections officers and other persons at facility, penalty increased: SSB 5078, \*SSB 5824, CH 188 (1987)
- Begging, guilty of disorderly conduct: SB 5596, SSB 5596
- Chewing tobacco and snuff, purchase by minors is a misdemeanor: SHB 76, SB 5092
- Child abuse, employees with access to youth or developmentally disabled persons, abuse record: SB 5063, SSB 5063, \*2SSB 5063, CH 486 (1987)

**CRIMES—cont.**

- Child abuse, homicide by child abuse: SB 5089, \*SSB 5089, CH 187 (1987)
- Controlled substances, penalties increased: SB 5701
- Crack houses and the like, unlawful to rent, lease or use the property for drug distribution: \*HB 1228, CH 458 (1987), SB 5070, SSB 5070
- Crime laboratory task force: SB 5460, SSB 5460
- Criminal mistreatment, substantial bodily harm redefined: SB 5449
- Dangerous dogs regulated: \*SSB 5301, CH 94 (1987)
- Defacing public property: SSB 5145
- Diminished mental capacity: SB 5963
- Domestic violence prevention orders, clarifying enforcement jurisdiction: \*SB 5067, CH 71 (1987)
- Drug transactions or business involving coercion of minors unlawful: \*HB 1228, CH 458 (1987), SB 5070, SSB 5070
- Drugs, controlled substances homicide, class B felony: \*HB 1228, CH 458 (1987), SB 5070, SSB 5070, SB 5362
- Drugs, crack houses and the like, unlawful to rent, lease, or use the property for drug distribution: \*HB 1228, CH 458 (1987), SB 5070, SSB 5070
- Drugs, school ground transactions illegal: SB 5070, SSB 5070
- Drugs, 20 year minimum sentence for offenses involving minors: SB 5121
- Electric weapons, use and possession unlawful: SB 5869
- Exploding bullets prohibited: SSB 5710
- Homicide by child abuse: SB 5089, \*SSB 5089, CH 187 (1987)
- Homicide, controlled substances homicide, class B felony: \*HB 1228, CH 458 (1987), SB 5070, SSB 5070, SB 5362
- Juvenile code, task force on permanency planning, continuation of effort: HCR 4409
- Juvenile offenders, diversion agreements: SB 5448
- Major crimes investigation and assistance unit: SB 5432, SB 5538, SSB 5538, 2SSB 5538
- Mental competency of criminals: SB 5841
- Misdemeanors, many decriminalized, system of civil infractions established: \*2SHB 684, CH 456 (1987), SB 5083, SSB 5083
- Murder by child abuse: SB 5089, \*SSB 5089, CH 187 (1987)
- Murder by juveniles, adult jurisdiction: SB 5661
- Murder, controlled substances homicide, class B felony: \*HB 1228, CH 458 (1987), SB 5070, SSB 5070, SB 5362
- Natural resource violations, decriminalizing: \*SHB 170, CH 380 (1987)
- Opium den language revised: SHB 692
- Rape by counselors, class C felony: SB 5695
- Sawed-off shotguns and short rifles, prohibited: SB 5710, SSB 5710
- Second degree assault redefined, knowingly assaults a person under 12: HB 752
- Second degree assault, substantial bodily harm to an unborn quick child: HB 752, \*SB 5546, CH 324 (1987)
- Substantial bodily harm redefined: \*SB 5546, CH 324 (1987)
- Substantial pain defined: \*SB 5546, CH 324 (1987)
- Theft of services, hotel, etc., attorney fees, costs: \*SHB 601, CH 353 (1987)
- Tobacco products, sale to person under 18, illegal, warning at point of sale: SHB 76
- Tobacco purchase by a minor, civil fine: SHB 76
- Toxic endangerment: SB 6085, CH 2 E3 (1987)
- Trespass, criminal trespass to property defined: SB 5494
- Uniform criminal history records act, adopting: SB 5681
- Vicious dogs regulated: SB 5301

**CRIMINAL JUSTICE ACCOUNT**

- Funding for local government through a retail sales and use tax: SB 5101

**CRIMINAL JUSTICE TRAINING COMMISSION**

- Justice department created: SB 5026, SSB 5026

**CRIMINAL JUSTICE TRAINING COMMISSION—cont.**

Operating budget: \*SHB 1221, CH 7 E1 (1987)

**CRIMINAL MISTREATMENT**

Sentencing, criminal mistreatment classified: \*HB 753, CH 224 (1987)

Substantial bodily harm redefined: SB 5449

**CRIMINAL TRESPASS**

Property, defined: SB 5494

**CROP LIENS**

Priority clarified: SB 5559

Time period extended for filing liens: SB 5168, SSB 5168

**CROSSBOWS**

Hunting with crossbows prohibited: SB 5157, SSB 5157

**CROUCH, DAVID L.**

Trustee, Pierce community college district no. 11,

GA 9119 ..... p. 1309

**CRTS**

Study by UW on health and safety hazards of video display terminals, operating budget: \*SHB 1221, CH 7 E1 (1987)

Work conditions, L & I to regulate: SB 5486, SSB 5486

**CRUZ, RODOLFO**

Trustee, Columbia Basin community college district no. 19,

GA 9097, confirmed ..... pp. 171, 971, 2410

**CURTIS, ARTHUR D.**

Member, sentencing guidelines commission,

GA 9070, confirmed ..... pp. 37, 381, 936

**CYANIDE**

Licensing for the sale and manufacture: \*SB 5105, CH 34 (1987)

Register, poison register required for sales: \*SB 5105, CH 34 (1987)

**CYPRESS ISLAND**

Natural resources conservation areas, designation process: SB 5322, SSB 5322, \*SSB 5911, CH 472 (1987)

**DAFFODIL FESTIVAL COURT**

Queen Deborah Renae Harlan introduced and addressed senate ..... p. 993

Princesses Stacey Rogers and Debbie Rurup introduced ..... p. 993

**DAIRY PRINCESSES**

Princess Jennifer Bordan, introduced and addressed senate ..... p. 252

Alternate princesses Kristi Waltner and Peggy Ueltschi introduced ..... p. 252

**DAMS**

Study to assess state responsibility for siting, etc.: SB 6036, SSB 6036

**DANCES**

Property tax exemption modified: SB 5345, SSB 5345

Property taxes, leased or rented property qualifies for exemption: \*HB 1087, CH 468 (1987)

Public dances and recreational activities, counties may license and regulate: \*SHB 289, CH 250 (1987)

**DANGEROUS WASTES (See HAZARDOUS MATERIALS)****DATA PROCESSING AUTHORITY**

Operating budget: \*SHB 1221, CH 7 E1 (1987)

**DAVIS, JOSEPH H.**

Member, commission on judicial conduct, GA 9145 ..... p. 2705



**DAVIS, RICHARD A.**

Director, office of financial management, GA 9146 ..... p. 2706

**DAY CARE**

Background investigations of persons being considered for hire: \*2SSB 5063, CH 486 (1987)

Capital budget: \*SHB 327, CH 6 E1 (1987)

Child care resource coordinator: \*SSB 6013, CH 329 (1987)

Colleges, universities, and community colleges to survey available day care: SSB 5871, \*2SSB 5871, CH 287 (1987)

Community colleges, day care facilities required: SB 5871

Office of child care resources created: SB 6013

School-based day care: \*HB 452, CH 487 (1987), SB 5478

Therapeutic day care, operating budget: \*SHB 1221, CH 7 E1 (1987)

Therapeutic day care to children who have been abused or neglected: \*2SHB 586, CH 503 (1987)

University of Washington employees: SB 5682, SSB 5682

**DAYLIGHT SAVINGS TIME**

Conforming the state statute to the federal statute: SB 6071

**DEADLY WEAPONS**

Community supervision of sentenced offenders, revisions: SB 5086

**DEAF PERSONS**

Community colleges, nonresident fee waiver: \*SB 5678, CH 390 (1987)

Hearing impaired access: \*2SHB 221, CH 304 (1987)

**DEAF, STATE SCHOOL FOR THE**

Fred H. DeBerry, reappointed trustee, GA 9104,

confirmed ..... pp. 514, 1503, 2414

Marlyn Minkin, reappointed trustee, GA 9105,

confirmed ..... pp. 514, 1503, 2448

Marjorie Trevarthen, trustee, GA 9175 ..... p. 2711

**DEAR, JOSEPH A.**

Director, department of labor and industries,

GA 9132 ..... p. 2703

**DEATH**

Natural death act, revisions: SB 5401, SSB 5401, SB 5696

Notification of death from an infectious or communicable disease: HB 814

**DEATH INVESTIGATIONS**

County coroner or medical examiner granted immunity: \*HB 590, CH 263 (1987)

Death investigations council, operating budget: \*SHB 1221, CH 7 E1 (1987)

**DEATH PENALTY**

Execution dates, renewed death warrants don't require defendant's presence:

\*SB 5549, CH 286 (1987)

**DEATH TAX**

Transfer tax imposed: SB 5188

**DEBENTURE COMPANIES**

Debt-related securities, revisions: \*HB 713, CH 421 (1987)

**DeBERRY, FRED H.**

Reappointed trustee, state school for the deaf

GA 9104, confirmed ..... pp. 514, 1503, 2414

**DEBTS**

Debt-related securities, debenture companies, revisions: \*HB 713, CH 421 (1987)

Municipal corporations, loan agreements and debtor/creditor obligations set forth: \*SHB 263, CH 19 (1987)

**DECCIO, SENATOR ALEX A.**

Seconded nomination of O. F. "Ole" Scarpelli as sergeant at arms .....	p. 7
Appointed member human services and corrections and ways and means com- mittees .....	p. 24
Point of order, amendment to HB 64 .....	p. 1117
Personal privilege, tribute melody lane singers .....	p. 1260
Point of order, amendment to ESHB 454 .....	p. 1692
Appointed interim member joint administrative rules review committee .....	p. 2648

**DECHANT, CARYN**

Sequim irrigation festival princess introduced .....	p. 1123
--	---------

**DEEDS OF TRUST**

Revisions concerning trustee, foreclosure, fees: *SHB 391, CH 352 (1987)
--

**DEFERRED COMPENSATION**

Administrative account created: *HB 377, CH 121 (1987), SB 5369
Operating budget: *SHB 1221, CH 7 E1 (1987)
Renaming the deferred compensation revolving fund, principal account: *HB 377, CH 121 (1987), SB 5369

**DeJARNATT, SENATOR ARLIE U.**

Nomination of Sid Snyder as secretary of the senate .....	p. 5
Appointed member natural resources, vice chair; governmental operations and transportation committees .....	p. 24
Appointed interim member joint committee on marine and ocean resources, joint legislative ethics board and legislative transportation committee .....	p. 2648

**DEMENTING ILLNESSES**

Respite care services enhanced: *2SSB 5453, CH 409 (1987)
---

**DENTAL HYGIENISTS**

Independent practice: SB 5607
-------------------------------

**DENTAL SERVICES**

Medical assistance, dental hygiene and care programs, prepaid capitated plan to be developed: SHB 1225
---

**DENTISTS**

Anesthesia, dental disciplinary board may adopt rules: HB 668
---

**DENTURES**

ID markings required on dentures and removable dental prosthesis: *SB 5774, CH 252 (1987)
--

**DENTURISTS**

Certification: SB 5526
------------------------

**DEPENDENT CARE PLAN**

State employees: *SHB 844, CH 475 (1987)
--

**DESIGN PROFESSIONALS**

Workers' compensation, third parties, recovery by injured worker: SB 6048, *SSB 6048, CH 212 (1987)
--

**DESTRUCTIVE DEVICES**

Prohibiting the sale, possession, or transportation: SB 5187
--

**DETECTIVES**

Licensing private investigators: SB 5504, SSB 5504
--

**DEVELOPMENTALLY DISABLED**

Abuse, employees with abuse records, access restricted: SB 5063, SSB 5063, *2SSB 5063, CH 486 (1987)
Abuse of, reports required: *SHB 153, CH 206 (1987), SB 5228, SSB 5228

**DEVELOPMENTALLY DISABLED—cont.**

- Assault on adult dependent persons, witnesses to report: \*2SHB 586, CH 503 (1987), SSB 5065
- Community group home placements, appropriation: SB 5968
- Criminal mistreatment classified for sentencing purposes: \*HB 753, CH 224 (1987)
- Criminal mistreatment, substantial bodily harm redefined: SB 5449
- Fundamental rights: SSB 5603
- Good shepherd homes: SB 5968
- Habilitation and other services, major revisions: SSB 5603
- Home care regulated: SB 5404, SSB 5404
- Long-term care ombudsman office moved to AG, advisory committee created: SB 5270
- Long-term care to be addressed by DSHS, demonstration projects: SSB 5453, \*2SSB 5453, CH 409 (1987)
- Malicious reporting of abuse, penalties imposed: SHB 608, SB 5707
- Reimbursement of nursing homes that contract with DSHS: SHB 970
- Respite care services, enhanced: SHB 524, SB 5453, SSB 5453, \*2SSB 5453, CH 409 (1987)
- Support services included in habilitative services: SB 5603
- Uniform system of services or adaptations of generic services: SSB 5603

**DIALYSIS**

- Drug dispensing by medicare approved centers: \*SB 6038, CH 41 (1987)
- Kidney dialysis outpatient facilities are exempt from real and personal property tax: \*SB 5009, CH 31 (1987)

**DIAMOND POINT TRUST PROPERTY**

- DNR lands, certain transferred to the parks and recreation commission: SHB 550

**DICKS, THE HONORABLE NORM**

- U.S. representative from Washington State, introduced and addressed senate p. 309

**DIESEL FUEL**

- Commercial fishing vessels, diesel fuel exempt from sales and use tax: \*HB 628, CH 494 (1987), SB 5819
- Special fuel, exempt from taxation if part of a logging operation on federal land: \*HB 24, CH 294 (1987), SB 5932

**DIETITIANS**

- Certification: SB 5669

**DIGUILLO, DANIEL A.**

- Member, juvenile disposition standards board, GA 9126 ..... p. 2628

**DIMINISHED MENTAL CAPACITY**

- Conviction and commitment procedures: SB 5963

**DISABILITY TRAINING AND PLACEMENT COORDINATION COUNCIL**

- Created: SB 5326

**DISABLED PERSONS**

- Affirmative action, disabled persons included as minorities: SCR 8403
- Assault on adult dependent persons, witnesses to report: \*2SHB 586, CH 503 (1987), SSB 5065
- Capital budget: \*SHB 327, CH 6 E1 (1987)
- Criminal mistreatment classified for sentencing purposes: \*HB 753, CH 224 (1987)
- Criminal mistreatment, substantial bodily harm redefined: SB 5449
- Disability accommodation revolving fund established: SB 5330, \*SSB 5330, CH 9 (1987)
- Disabled persons, report on the progress in implementing employment recommendations: \*SCR 8404 (1987)
- Disincentives to work in public benefit programs, study: SB 5329, \*SSB 5329, CH 97 (1987)

**DISABLED PERSONS—cont.**

- Employment and unemployment data to be collected: \*SB 5331, CH 10 (1987)
- Employment, special attention service, employment security department to report: \*SB 5327, CH 76 (1987)
- Home care regulated: SB 5404, SSB 5404
- Hunting and fishing licenses free for disabled veterans: SB 5653
- Information clearinghouse to assist people in training and employment needs: \*SSB 5326, CH 369 (1987)
- Long-term care to be addressed by DSHS, demonstration projects: SSB 5453, \*2SSB 5453, CH 409 (1987)
- Malicious reporting of abuse, penalties imposed: SHB 608, SB 5707
- Minority for the purposes of the office of minority and women's business enterprises: SB 5328
- Notary procedure: SB 5949
- Respite care services, enhanced: SHB 524, SB 5453, SSB 5453, \*2SSB 5453, CH 409 (1987)
- Taxes, real property exemptions, threshold levels revised: \*SHB 695, CH 301 (1987)
- Training and placement coordination council: SB 5326
- Training and placement, interagency task force: \*SSB 5326, CH 369 (1987)

**DISASTER ASSISTANCE FUND**

- Established for various emergencies: SB 5264, SSB 5264

**DISCLOSURE (See also PUBLIC DISCLOSURE)**

- Reporting of improper government activity to a legislator, protection for employee: SB 5031, SSB 5031

**DISCOVERY**

- Judicial council to study whether there should be mandatory discovery conferences: SB 5262, \*SB 6048, CH 212 (1987)

**DISCRIMINATION**

- Affirmative action plans by state contractors: SB 5459, SSB 5459
- Attorney general to report yearly on affirmative action goals and timetables: \*SHB 1221, CH 7 E1 (1987)
- Child and family services, hire multi-ethnic casework staff: \*SHB 1221, CH 7 E1 (1987)
- Corrections department, report to the legislature on minority and women in top-level management positions: \*SHB 1221, CH 7 E1 (1987)
- Fraternal benefit societies, discrimination precludes society from tax exemptions: \*HB 432, CH 366 (1987), SB 5411
- Gender and minority bias in the courts, operating budget: \*SHB 1221, CH 7 E1 (1987)
- Indian and non-Indian fisheries, persons fishing both, regulated: SB 5050
- Insurance, AIDS discrimination prohibited: SB 5773
- Insurance, discrimination based on race, creed, color, national origin, or age prohibited: HB 1099
- Real property discriminatory covenants, procedure to remove from deeds: SB 5371, \*SSB 5371, CH 56 (1987)
- Sexual orientation, discrimination prohibited: SB 5736, SSB 5736
- Transportation department, minority workers, on-the-job training: \*SSB 6076, CH 10 E1 (1987)
- Unfair employment criteria, may not withhold or terminate employment based on known or suspected personal habits of the employee: SB 5789

**DISEASES (See also AIDS)**

- AIDS, reporting procedures: SHB 1043
- Notification of death from an infectious or communicable disease: HB 814

**DISHMAN HILLS**

Natural resources conservation areas, designation process: SSB 5322, \*SSB 5911, CH 472 (1987)

**DISORDERLY CONDUCT**

Begging or soliciting: SB 5596, SSB 5596

**DISPLACED HOMEMAKERS**

Advisory committee to be established by the higher education coordinating board: SB 5253, \*SSB 5253, CH 230 (1987)

**DISPUTES**

Alternative dispute resolution demonstration project, operating budget: \*SHB 1221, CH 7 E1 (1987)

Aquaculture siting dispute resolution process to be established by DNR: SB 5122

Indian shellfish claims, mediation process: SB 5158, SSB 5158

Mediations, evidence arising out of, admissibility restricted: SB 5079, SSB 5079

Natural resource disputes, grants for mediation authorized: SHB 12

**DISTRESSED AREAS**

Community revitalization team program, revising requirements: \*SHB 1156, CH 461 (1987)

Development loan fund program, revising requirements: \*SHB 1156, CH 461 (1987)

Hotel/motel tax, 5% tax not to exceed 5%, tourism: SB 6056

Location of new facilities by state agencies: SB 5296

Youth employment, service corps money to be for distressed areas: SHB 706

**DISTRICT COURTS (See COURTS)****DISTRICT HEATING SYSTEMS**

Revisions: \*SHB 425, CH 522 (1987), SB 5425, SSB 5425

**DIVE RESCUES**

Green lights on cars of rescue personnel: SB 5112

**DIXON, RICHARD G.**

Member, state parks and recreation commission,

GA 9001, confirmed ..... pp. 25, 409, 449

**DOCKS**

Limited construction of community docks for multiple family residential use: SB 5784, \*SSB 6061, CH 474 (1987)

**DOCTORS**

Impaired physician program: SB 5857, \*SSB 5857, CH 416 (1987)

Limited license to practice to visiting teachers, researchers or fellowship holders: \*HB 699, CH 129 (1987)

Physicians assistants, scope of practice extended: SB 5971

**DOGS**

Abuse, cruelty to animals, removal of animals revised, criminal procedures modified: SB 5608, \*SSB 5608, CH 335 (1987)

Abuse, penalties increased, remedies: SB 5177

Abused animals, disposition and care provided for: SB 5304

Dangerous dogs regulated: \*SSB 5301, CH 94 (1987)

Vicious dogs regulated: SB 5301

**DOLLIVER, JUSTICE JAMES**

Presented medal of merit award to Dorothy Bullitt ..... p. 1179

**DOMESTIC VIOLENCE**

County domestic violence prevention programs, funding via an additional \$17, marriage license fee: SHB 567

Prevention orders, clarifying enforcement jurisdiction: \*SB 5067, CH 71 (1987)

**DOMINICK, GAYER**

Trustee, Centralia community college district no. 12,  
GA 9091, confirmed ..... pp. 147, 971, 1961

**DONATIONS**

Clothing donated to low-income persons, sales tax exempt: SB 5355

**DOUGLAS COUNTY**

Superior court judges, additional: SB 5206, \*SSB 5206, CH 323 (1987)

**DREDGING**

Aquatic land dredged material disposal site account created for monitoring and management: SB 5501, SSB 5501, \*2SSB 5501, CH 259 (1987)

Everett home port land conveyance: SB 5604, \*SSB 5604, CH 271 (1987)

Open water dredge disposal plan: SB 6067

**DRIVING SCHOOLS**

Regulated: SB 5578

**DROUGHT OF 1987**

Planning: SSB 5993, \*2SSB 5993, CH 343 (1987)

**DRUGLESS HEALING (See NATUROPATHIC PHYSICIANS)****DRUGS**

Alcoholism and drug addiction treatment and shelter program: \*SHB 646, CH 406 (1987), SB 5568

Chemical dependency, health care contracts to cover: \*HB 1228, CH 458 (1987), SB 5070, SSB 5070

Controlled substances, penalties increased: SB 5701

Crack houses and the like, unlawful to rent, lease or use the property for drug distribution: \*HB 1228, CH 458 (1987), SB 5070, SSB 5070

Crack houses, public nuisance: SB 5070, SSB 5070

DOE given regulatory authority, shall delegate to pharmacy board: \*SB 5160, CH 236 (1987)

Driving records may be obtained by approved treatment programs: \*SHB 415, CH 181 (1987)

Homicide, controlled substances homicide, class B felony: \*HB 1228, CH 458 (1987), SB 5070, SSB 5070, SB 5362

Kidney dialysis, drug dispensing by medicare approved centers: \*SB 6038, CH 41 (1987)

Liquor revolving fund, juvenile alcohol and drug prevention programs: \*HB 1228, CH 458 (1987), SB 5070, SSB 5070

Methadone treatment programs, certification requirements changed: \*SHB 876, CH 410 (1987)

Midwife provisions modified: SB 5163, \*SSB 5163, CH 467 (1987)

Neuroleptic drugs, side effect warning required: SB 5860

Opium den language revised: SHB 692

Optometrists drug authority modified: SB 6029

Optometrists, pharmacists may fill optometrists' prescription: SB 6029

Physicians, impaired physician program: SB 5857, \*SSB 5857, CH 416 (1987)

Poisons, licensing for the sale and manufacture: \*SB 5105, CH 34 (1987)

Poisons, sales to be registered: \*SB 5105, CH 34 (1987)

Prescriptions by out-of-state physicians legal: \*HB 235, CH 144 (1987)

Prevention program for juveniles, liquor revolving fund: HB 1228, SB 5070, SSB 5070

Samples, possession and distribution of legend drugs: \*SHB 931, CH 411 (1987)

School ground transactions illegal: SB 5070, SSB 5070

Shopkeepers: SHB 829

Transactions or business involving coercion of minors unlawful: \*HB 1228, CH 458 (1987), SB 5070, SSB 5070

Twenty year minimum sentence for offenses involving minors: SB 5121

**DRUGS—cont.**

- Wholesalers or manufacturers who distribute legend drugs to maintain records for 3 years: SHB 829
- Wire-tapping, one-party consent law changed: SB 5070, SSB 5070, SB 5254, SB 5362
- Youth substance abuse awareness program, SPI and districts: \*2SHB 456, CH 518 (1987), SB 5476, SSB 5476, SB 5628

**DRUNK DRIVING**

- Blood alcohol or breath alcohol tests for alcohol content authorized: \*HB 1049, CH 373 (1987)
- Blood/breath alcohol levels, penalty schedule: SB 5700
- Gas and alcohol are not to be sold concurrently: SB 5397
- Ignition interlocks on alcohol offender cars: \*HB 663, CH 247 (1987), SB 5233, SSB 5233
- Intoxication defense, revisions: SB 6048, \*SSB 6048, CH 212 (1987)
- Traffic safety commission to develop a state-wide program on drinking and driving: SB 5843
- Vehicular homicide and assault, courts may set terms of revocation: SB 5868, SSB 5868
- Vehicular homicide, seriousness level revised: SB 5775

**DUCK STAMP**

- Age requirement clarified: HB 112

**DUFFIE, CORNELIUS R.**

- Reappointed member, WPPSS executive board,  
GA 9006 ..... p. 26

**DURABLE POWER OF ATTORNEY**

- Health care consent: \*SHB 763, CH 162 (1987)
- Natural death act, revisions: SB 5401, SSB 5401

**DURNEY, JACK**

- Reappointed trustee, Grays Harbor community college district no. 2,  
GA 9065, confirmed ..... pp. 37, 933, 2049

**EARTHQUAKES**

- Information dissemination and surveys by DCD: SB 5885, SSB 5885
- Seismic safety council created: SB 5885, SSB 5885

**EASTERN WASHINGTON STATE HISTORICAL SOCIETY**

- Capital budget: \*SHB 327, CH 6 E1 (1987)
- Operating budget: \*SHB 1221, CH 7 E1 (1987)

**EASTERN WASHINGTON UNIVERSITY**

- Capital budget: \*SHB 327, CH 6 E1 (1987)
- Operating budget: \*SHB 1221, CH 7 E1 (1987)
- Transferring to WSU: SB 5445

**ECOLOGY, DEPARTMENT OF**

- Capital budget: \*SHB 327, CH 6 E1 (1987)
- Dangerous wastes, DOE to operate a waste exchange between industries: SHB 332
- Ecology procedures simplification act: \*SB 5427, CH 109 (1987)
- Environmental excellence awards for labelling of products authorized by DOE:  
\*SB 5051, CH 67 (1987)
- Fire history of Washington state, history of slash burning, DOE, UW, DNR, and energy office: SSB 5853
- Flood control zones, Snohomish river, certain towns may apply for exemptions: SSB 5156
- Floodplain management, DOE responsibility modified: \*SB 5556, CH 523 (1987)
- Hazardous materials, site cleanup responsibility: SB 6085, CH 2 E3 (1987)
- Hazardous waste, corrective action by department authorized: SB 5072

**ECOLOGY, DEPARTMENT OF—cont.**

- Hazardous waste, department authority granted to correspond with federal law: SB 5072
- Navy home port impact, funds to offset: \*SHB 611, CH 272 (1987)
- New agency created out of DOE and part of DSHS, department of public health and environment: SB 5377, SSB 5377
- Operating budget: \*SHB 1221, CH 7 E1 (1987)
- Secondary sewage treatment, waiver allowed when certain conditions met: SB 5044
- Smoke management plan to be reviewed by DNR and DOE: SSB 5853
- Testing laboratories, DOE to certify labs: \*SHB 644, CH 481 (1987), SB 5590
- Violations of environmental protection laws, penalties increased: SB 6009
- Waste disposal permit violations, department to develop a penalty schedule: SB 5073
- Water quality account, mandatory 1/4% of 2.5% transferred to conservation commission to be spent on research: \*HB 326, CH 527 (1987)

**ECONOMIC DEVELOPMENT**

- Annual report by employment security on economic and employment data: SB 5131
- Funds received by nonprofits for conventions, etc., are exempt from B & O tax: SB 5521
- Industrial development zones: SB 5743
- Kern River pipeline, FERC approval requested: SJM 8011
- Natural resource disputes, committee for mediation created: SHB 12
- New facilities, location requirements modified: SB 5296
- New manufacturing and research and development businesses exempt for 3 years: SB 5297
- Rural businesses, studying economic development and marketing needs: SHB 1189
- Rural development studies, DCD directed to conduct, heavy telecommunications emphasis: \*SHB 373, CH 293 (1987)
- Tourism, etc., public funds received by nonprofits is tax exempt: SB 5521
- Transportation benefit board created to enhance cooperation between public and private sectors: SB 5731
- Transportation benefit districts may be established by local governments: \*HB 396, CH 327 (1987), SB 5734
- Vocational technology center, public nonprofit corporation to be formed by Governor: \*SB 5996, CH 492 (1987)

**ECONOMIC DEVELOPMENT BOARD**

- Operating budget: \*SHB 1221, CH 7 E1 (1987)

**ECONOMIC FORECASTS**

- Budget and accounting procedures revised, economic forecasts, estimated revenues: SB 5606, \*SSB 5606, CH 502 (1987)
- Emergency reserve fund: SB 5684
- Fiscal responsibility, economic and fiscal forecast council: SJR 8217

**EDITOR'S NOTE**

- Remarks on ESSB 5059 to be in journal ..... p. 196
- Regarding committee report on SB 5527 ..... p. 513
- Roll call correction on SSB 5314 ..... p. 886
- Senate rule 52 explained ..... p. 1712
- Incorrect citation SSB 5115 ..... p. 2011
- Reed's rule 133 explained, E2SHB 527 ..... p. 2130
- Word change, SHB 738 ..... p. 2266
- Status of 2nd report of conference committee, 2SHB 684 ..... p. 2305

**EDMONDS COMMUNITY COLLEGE DISTRICT NO. 23**

- Edith A. Lawrence, trustee, GA 9080 ..... p. 39



**EDUCATION FUNDING**

- Community college instructional improvement program, matching grant program: SB 5429
- Community colleges, capital incentives program, matching fund program for capital construction: SB 5383, SSB 5383, 2SSB 5383
- Distinguished professorship trust fund program established: \*2SHB 339, CH 8 (1987), SB 5474
- Education assistance for public assistance recipients: SB 6006
- Graduate fellowship trust fund program: SB 5660
- Loan program for prospective teachers and teachers getting more endorsements: SB 5937
- Private colleges, grant program for needy students: SB 5748
- Scholarship program for low-income working persons and single heads of household: \*HB 1021, CH 305 (1987), SB 5461
- School levies, major revisions: \*2SHB 455, CH 2 E1 (1987), SB 5477, SSB 5477
- Sustainable harvest, determinations modified: \*SHB 55, CH 159 (1987), SB 5563
- Teachers, future teachers' conditional scholarship program: \*SHB 857, CH 437 (1987)
- Tuition and fee increases, financial aid adjustment increased: SB 5482
- Tuition recovery fund, private vocational schools: SB 5880, \*SSB 5880, CH 459 (1987)
- Washington fund for excellence in higher education program, grants to encourage improvements: SB 5475

**EDUCATION, STATE BOARD OF**

- Capital budget: \*SHB 327, CH 6 E1 (1987)
- Communication system between districts to be created: SB 5997
- Duty is to support and facilitate local districts, communication system between districts to be created: SB 5997
- Excellence, annual award for best teacher educators: SSB 5479
- Teacher certification, discuss other states' methods, reciprocity: \*SB 5433, CH 40 (1987)
- Teacher certification process redone: SB 5479, \*SSB 5479, CH 525 (1987), SB 5630
- Teacher preparation, tests to determine competency before admittance to professional program: HB 485, \*SSB 5479, CH 525 (1987), SB 5622
- Teachers, administrators, etc., standards review program: \*SB 5247, CH 39 (1987)
- Teachers, specialization endorsement, grade levels and subject areas: HB 485, \*SSB 5479, CH 525 (1987), SB 5622
- Vocational or applied courses, model curriculum guidelines: SB 5248
- Vote, all members have the right to vote: SB 5333
- Vote, private school representative may vote only on private school issues: SSB 5333

**EDUCATIONAL SERVICE DISTRICTS**

- Board powers revised: \*SB 6053, CH 508 (1987)

**EDUCATIONAL SERVICES, OFFICE OF**

- Created, vocational education: SHB 451, SB 5468

**EFFICIENCY AND ACCOUNTABILITY**

- Commission created: \*SHB 833, CH 480 (1987)

**EGGS**

- Audits modified: \*SHB 353, CH 393 (1987)

**ELECTIONS**

- Absentee voters, uniformity and clarity: \*SHB 614, CH 346 (1987)
- Advertising, false political advertising prohibited: SHB 657, SB 5560
- Ballot titles and summaries, procedures revised: SB 5644, SSB 5644
- Ballot titles, legislature to provide title, AG to supply summary, complaint process: SHB 243
- Ballots, double-sided ballot cards: HB 1126

**ELECTIONS—cont.**

- Ballots, rotation of candidates on ballots revised: \*SHB 124, CH 110 (1987), SB 5012
- Election campaign financing trust fund: SB 5505
- Emergency medical service district commissioners, election: SB 5310
- Genderless language, corrections: \*HB 954, CH 295 (1987)
- Irrigation district polling places, house, place, or district office: SB 5176, SSB 5176
- Irrigation districts, precinct polling places, district business office ok: \*HB 68, CH 123 (1987)
- Judges, district court, rotation of candidates on ballot: \*SHB 124, CH 110 (1987), SB 5012
- Legislative vacancies in joint offices, procedures for filling modified: SHJR 4204
- Metropolitan municipal corporation councils, election of members: SB 5006, SSB 5006
- Noncontested offices, revisions: SB 5309
- Nonpartisan, no primary if only two candidates: SB 6039
- Operating budget: \*SHB 1221, CH 7 E1 (1987)
- Precinct committeeperson, nonnotarized declaration of candidacy form: \*HB 658, CH 133 (1987)
- Presidential electors: \*SHB 1221, CH 7 E1 (1987)
- Presidential preference primary: SB 5465
- Presidential primary, nonbinding with single-party ballots: SSB 5961
- Primary, no primary for nonpartisan position if only two candidates: SB 6039
- Public utility districts, annexation: SB 6058, SSB 6058
- Restoration of civil rights: SB 5665, SSB 5655
- Special district elections may be held outside of district: SB 5888
- Vote canvassing and recount procedures revised: SB 5045, \*SSB 5045, CH 54 (1987)
- Voter challenge procedures revised: \*SHB 291, CH 288 (1987)
- Voter registration by mail: SHB 554, SB 5332
- Voter registration, county auditor may investigate and cancel: \*SHB 773, CH 359 (1987), SB 5048
- Voter registration programs in high school: SHB 804
- Voter registration, revisions, 1st 15 days of 30 day period: SHB 22
- Voter registration, secretary of state to mail an informational package regarding registration: SB 5633
- Voting, absentee voters, uniformity and clarity: \*SHB 614, CH 346 (1987)
- Voting, employers to insure employees have time to vote: \*SB 5693, CH 296 (1987)
- Write-in candidates, party designation required: SB 5042

**ELECTORAL COLLEGE**

- Operating budget: \*SHB 1221, CH 7 E1 (1987)

**ELECTRIC COMPANIES**

- Billing errors, customer liability limited: SB 5037, SSB 5572

**ELECTRIC GUNS**

- Prohibiting possession: SB 5869

**ELECTRICITY**

- Air conditioning, heating, and ventilation, specialty license: SB 6049
- BPA, prohibiting sale: \*SJM 8005 (1987)
- Contractors administrator certificate, continuing education: SB 5637
- Electric signs, rewiring may be done without electrician's license: SB 5663
- Electrical installations, deleting certain sections dealing with apparatus: SB 5761, \*SSB 5761, CH 79 (1987)
- Fire alarm electricians, certificate of competency: SB 5772, SSB 5772, 2SSB 5772
- Inspectors, continuing education: SB 5637
- Installations, L & I retains option to inspect on property of state: SB 5637
- Purchase of electric energy for resale, tax on purchase: SB 6031

**ELLINGTON, ANNE L.**

Reappointed member, sentencing guidelines commission,  
GA 9171 ..... p. 2710

**ELLIS, WILLIAM P.**

Member, board of pilotage commissioners, GA 9016,  
confirmed ..... pp. 28, 2042, 2629

**EMERGENCIES**

Disaster assistance fund established for various emergencies: SB 5264, SSB 5264

**EMERGENCY SERVICES**

Ambulance includes ground or air: \*SHB 237, CH 214 (1987), SB 5231

Collective bargaining, uniformed personnel definition modified: \*SHB 498, CH 521  
(1987)

Commissioners, election provided for: SB 5310

Compensation redefined for good samaritan law: SB 5268

Emergency service communication districts authorized: \*SHB 11, CH 17 (1987)

Green lights on cars of dive rescue personnel: SB 5112

Green lights on private cars of emergency personnel: SHB 23

Immunity: SB 5262, \*SSB 6048, CH 212 (1987)

Revisions, DSHS procedures: \*SHB 237, CH 214 (1987), SB 5231

Vehicles exempt from television receiver and headphone restrictions: \*HB 431,  
CH 176 (1987), SB 5721

**EMERICK, MYRNA J.**

Trustee, Lower Columbia community college district  
no. 13, GA 9170 ..... p. 2710

**EMINENT DOMAIN**

Platting, certain public agency transfer: SB 5414

**EMPLOYEE COOPERATIVES**

Authorized: \*SHB 430, CH 457 (1987)

**EMPLOYMENT**

Annual report by employment security on economic and employment data: SB  
5131

Business and job retention program within DTED: SB 6050

Disability accommodation revolving fund established: SB 5330, \*SSB 5330, CH 9  
(1987)

Disabled persons, disincentives to work in public benefit programs, study: SB  
5329, \*SSB 5329, CH 97 (1987)

Disabled persons, employment and unemployment data to be collected: \*SB  
5331, CH 10 (1987)

Disabled persons, information clearinghouse for training and employment needs:  
\*SSB 5326, CH 369 (1987)

Disabled persons, interagency task force on disability training and placement:  
\*SSB 5326, CH 369 (1987)

Disabled persons, report on the progress in implementing employment recom-  
mendations: \*SCR 8404 (1987)

Disabled persons, special attention service, employment security department to  
report: \*SB 5327, CH 76 (1987)

Disabled persons, training and placement coordination council: SB 5326

Family or medical leave: 2SHB 565

Older workers and long-term unemployed have priority for unemployment ser-  
vices: SB 5393, \*SSB 5393, CH 284 (1987)

Select committee on employment and the family: \*HCR 4418 (1987)

Unfair employment criteria, may not withhold or terminate employment based  
on known or suspected personal habits of the employee: SB 5789

Unjust discharge, arbitration procedures established: SB 5965

**EMPLOYMENT SECURITY, DEPARTMENT OF**

- Annual report by employment security on economic and employment data: SB 5131  
 Annual report on labor market: \*SSB 5393, CH 284 (1987)  
 Annual report on the unemployed: SB 5393, \*SSB 5393, CH 284 (1987)  
 Appeal time extended: \*SB 5410, CH 61 (1987)  
 Bilingual employment services: SB 6035  
 Capital budget: \*SHB 327, CH 6 E1 (1987)  
 Counter-cyclical employment program: \*SHB 1221, CH 7 E1 (1987)  
 Data to be collected on labor markets, wages, dislocated workers, layoffs, plant closures, etc.: SB 6050  
 Disabled persons, employment and unemployment data to be collected: \*SB 5331, CH 10 (1987)  
 Disabled persons, information clearinghouse for training and employment needs: \*SSB 5326, CH 369 (1987)  
 Health care access act of 1987: \*2SHB 477, CH 5 E1 (1987), SB 5357  
 Industrial development corporations, department to enter into first source contracts: SB 5398, SSB 5398, 2SSB 5398  
 Labor market report, operating budget: \*SHB 1221, CH 7 E1 (1987)  
 Local reemployment centers: 2SSB 5441  
 Older workers and long-term unemployed have priority for unemployment services: SB 5393, \*SSB 5393, CH 284 (1987)  
 Public assistance and unemployment compensation recipients, assist in starting own business: SB 6004  
 Second avenue office, plan, operating budget: \*SHB 1221, CH 7 E1 (1987)  
 Unified business identification system: \*HB 148, CH 111 (1987)

**ENCHANTED PARKWAY**

- SR 161 designated as the enchanted parkway: \*SB 5666, CH 520 (1987)

**ENDANGERED SPECIES**

- Endangered species conservation act: 2SHB 210  
 Stamp authorized as a revenue source: 2SHB 210

**ENERGY**

- Alternative energy systems, district heating systems, revisions: \*SHB 425, CH 522 (1987), SB 5425, SSB 5425  
 Appliance efficiency standards, adopting state standards for selling new appliances: SB 5883  
 Appliance energy conservation code, adoption urged: SJM 8002, SSJM 8002  
 BPA, prohibiting sale: \*SJM 8005 (1987)  
 Conservation as a source of electrical energy for joint operating agencies: \*HB 541, CH 376 (1987)  
 District heating systems: \*SHB 425, CH 522 (1987), SB 5425, SSB 5425  
 Double amendment to RCW 35.92.070 corrected: \*HB 545, CH 145 (1987)  
 Energy facility site evaluation, certification, definitions revised regarding transmission facilities: SB 5372  
 Energy facility site evaluation, construction includes suspension of construction: SB 5213, SSB 5213  
 Energy facility site evaluation council, operating budget: \*SHB 1221, CH 7 E1 (1987)  
 Energy facility site evaluation, federal facilities, compliance with substantive state siting standards: SB 5372, SSB 5372  
 Energy facility site evaluation, rules for expedited processing based on reduced risk to physical and social environment: SB 5372  
 Fire history of Washington state, history of slash burning, DOE, UW, DNR, and energy office: SSB 5853  
 Kern River pipeline, FERC approval requested: SJM 8011  
 Mineral wool product insulation inspectors, certifying: SB 5691, SSB 5691  
 Public utility billing errors, customer liability limited: SB 5037, SSB 5572  
 State energy code, adoption by reference of certain codes eliminated: SB 5096

**ENERGY—cont.**

- State energy code, city code more stringent relating to conservation component, provision extended 1 year: SB 5517
- State energy office, operating budget: \*SHB 1221, CH 7 E1 (1987)
- State facilities, authority for energy conservation in state facilities from GA to energy office: SB 6028, SSB 6028
- State facilities, energy audits, etc., primary authority with state energy office: SSB 6028
- Thermal transmittance testing report deadline extended: SB 5426
- Weatherization assistance for low-income residences: SB 5014, \*SSB 5014, CH 36 (1987)

**ENGINEERS AND LAND SURVEYORS**

- Employment authority of board restricted: SB 5879

**ENVIRONMENT**

- Arctic national wildlife refuge coastal plain, request that the area be opened to exploitation: SJM 8015
- Bogs, marshes, and swamps included in wetland and shoreline definition: SB 5984
- Environmental excellence awards for labelling of products authorized by DOE: \*SB 5051, CH 67 (1987)
- Kern River pipeline, FERC approval requested: SJM 8011
- Natural resource disputes, grants for mediation authorized: SHB 12
- New agency created out of DOE and part of DSHS, department of public health and environment: SB 5377, SSB 5377
- Ocean beaches, management program authorized: SB 5434, SSB 5434
- Schools to include science, with a special reference on environment, in curriculum: \*HB 770, CH 232 (1987), SB 5834
- Sevin, use prohibited in crab or juvenile anadromous fish habitat: SB 5038
- Violations of environmental protection laws, penalties increased: SB 6009
- Wetlands, DOE to report on need for expanded jurisdiction: SSB 5984

**ENVIRONMENTAL HEARINGS OFFICE**

- Operating budget: \*SHB 1221, CH 7 E1 (1987)

**EROTIC MATERIAL**

- Access to minors: \*SHB 734, CH 396 (1987)
- Live performance, access to minors: \*SHB 734, CH 396 (1987)
- Sexual material, matter, and devices, minors access to these vices prohibited: SB 5778
- Taxing adult entertainment, proceeds to child abuse fund: SB 5703

**ESCROW**

- Disbursement of funds in escrow transactions, collected funds act: SB 5562

**ESCROW AGENTS**

- Bonds, errors and omissions policies, fidelity bonds, requirements revised: \*SB 5739, CH 471 (1987)

**ESTATES (See also PROBATE)**

- Personal representative's filing of receipts, retention period modified: \*SHB 217, CH 363 (1987), SB 5279, SSB 5279

**ESTES, CHARLES**

- President, future farmers of America introduced and addressed senate ..... p. 414

**EURING, DEREK**

- Eagle scout from Chehalis introduced and addressed senate ..... p. 247

**EUTHANASIA**

- Natural death act, major revisions: SB 5401, SSB 5401, SB 5696

**EVANS, THE HONORABLE DAN**

U.S. senator from Washington state introduced and  
addressed senate ..... p. 309

**EVERETT**

Land conveyance for Navy home base dredge spoils: SB 5604, \*SSB 5604, CH 271  
(1987)  
Navy base shall not obstruct navigation in the harbor area: \*SHB 611, CH 272  
(1987)  
Navy home port impact, funds to offset: \*SHB 611, CH 272 (1987)  
Tideland exchange for Navy base: SB 5687

**EVERETT COMMUNITY COLLEGE**

William A. Black, trustee, GA 9086, confirmed ..... pp. 146, 1502, 1838  
Fire damage, operating budget: \*SHB 1221, CH 7 E1 (1987)

**EVIDENCE**

Labor and industries fraud appeals: \*HB 187, CH 151 (1987), SB 5216  
Mediations, evidence arising out of, admissibility restricted: SB 5079, SSB 5079

**EXCHANGE PROGRAM**

International student exchange program established: \*SB 5197, CH 12 (1987)

**EXECUTION**

Judgments, enforcement revised: \*SHB 927, CH 442 (1987)  
Pension money and other employee benefits exempt: \*SB 5080, CH 64 (1987)

**EXPO '86 WORLD FAIR COMMISSION**

H. A. "Barney" Goltz, member introduced and  
addressed senate ..... p. 705

**EXPLODING BULLETS**

Prohibited: SSB 5710

**EXPLOSIVES**

Civil disorders, prohibiting teaching, exhibiting or demonstrating the use of guns,  
etc.: SB 5744  
Destructive devices, sale, possession, or transportation prohibited: SB 5187  
Revisions: SB 5638

**FACTORY BUILT HOUSING**

Account created for L & I fees related to administration and enforcement for  
inspections and insignia fees: SB 5375, SSB 5375  
Building codes, etc., for factory built housing: SSB 5375

**FAIR COMPETITION**

Fair competition review commission established: SB 5708

**FALSE TEETH**

ID markings required on dentures and removable dental prosthesis: \*SB 5774, CH  
252 (1987)

**FAMILY FARMS**

Agriculture department to publish information on programs that assist farm fami-  
lies: \*SHB 353, CH 393 (1987)  
Mediation prior to foreclosure: SB 5173  
Property tax deferral for farmers: SB 5184  
Taxes, revise schedule, waive penalties: SB 5686, SSB 5686

**FAMILY INDEPENDENCE PROGRAM**

Established to reduce poverty: \*2SHB 448, CH 434 (1987), SB 5471

**FAMILY LAW (See also CHILD CUSTODY, CHILD SUPPORT)**

Child support registry created: \*SHB 420, CH 435 (1987)  
Community property, military retirement pay: SB 5278, SSB 5278  
Parenting act of 1987, parenting plans: SB 6037

**FAMILY LAW—cont.**

- Parenting, joint parenting as a preference for separated or divorced parents: SB 5255
- Parenting, provisions revised: \*SHB 48, CH 460 (1987)
- Paternity, administrative determination: \*SHB 419, CH 441 (1987)
- Premarital agreement act: SB 5033
- Retirement benefits, maintenance, property division, mandatory assignment of divided benefit payments: SHB 472, SB 5511, \*SSB 5511, CH 326 (1987)
- Uniform premarital agreement act: SB 5033

**FAMILY THERAPISTS**

- Omnibus credentialing act for counselors: \*SHB 129, CH 512 (1987)

**FARLEY, EILEEN P.**

- Member, sentencing guidelines commission,  
GA 9169 ..... p. 2710

**FARMER, JR., SAM J.**

- Member, WPPSS executive board of directors,  
GA 9013 ..... p. 27

**FARMS**

- Agriculture department to publish information on programs that assist farm families: \*SHB 353, CH 393 (1987)
- Family farms, mediation prior to foreclosure: SB 5173
- Farm contractor security bonds: \*SHB 750, CH 216 (1987), SB 5645
- Farm credit system, strengthening requested: \*SJM 8016 (1987)
- Pesticide disposal by farmers: SB 6010, SSB 6010
- Property tax deferral for farmers: SB 5184
- Property taxes, definition of farm and agricultural land modified to include appurtenances: SB 5175
- Protection of farm land and farm values: SB 5983
- Taxes, revise schedule, waive penalties: SB 5686, SSB 5686

**FAULK, MARY G.**

- Director, department of general administration,  
GA 9049, confirmed ..... pp. 34, 270, 304, 905

**FEDERAL MEDICAL CARE**

- Charges for services, consumer protection provisions: SB 5781

**FEDERAL RESERVE SYSTEM**

- Challenging the delegation of authority to create money, referendum 41: \*SB 5444, CH 246 (1987)

**FEDERAL (See also HAZARDOUS MATERIALS, NAVY HOME PORT)**

- BPA, prohibiting sale: \*SJM 8005 (1987)
- Energy facility site evaluation, federal facilities, compliance with substantive state siting standards: SB 5372, SSB 5372
- Olympic peninsula, Keystone Spit, land exchange: \*SHB 1098, CH 274 (1987)
- Special fuel, exempt from taxation if part of a logging operation on federal land: \*HB 24, CH 294 (1987), SB 5932
- Yakima firing center, expansion unwanted: SJM 8010

**FERRIES**

- Advisory committees, major revisions: SHB 537
- Depth-sounding equipment to be on all ferries: SB 5979
- Employees' compensation, employer contributions for health plans, clarification: \*SB 5740, CH 78 (1987)
- Fuel is sales and use tax exempt: SB 5431, SB 6032
- Fuel used by local governments is sales and use tax exempt: SB 5493
- Funding of the ferry system from ferry revenues and motor vehicle funds: HB 308
- High speed small passenger vessels, exempt from pilotage requirements: SB 5648

**FERRIES—cont.**

- Leases, maximum term extended for joint development agreements: SB 5417, \*SSB 5417, CH 69 (1987)
- Marine employees' commission salary survey, requirements: SB 5741
- Passenger-only ferries, purchase procedures: \*SHB 746, CH 183 (1987)
- Pilotage license for high-speed passenger vessels: HB 421, SB 5488
- Puget Island-Westport ferry, revising the reimbursement formula: \*SB 5159, CH 368 (1987)
- Transportation budget: \*SSB 6076, CH 10 E1 (1987)

**FERTILIZER**

- Regulated: SB 5144, \*SSB 5144, CH 45 (1987)

**FIELDS SPRING TRUST PROPERTY**

- DNR lands, certain transferred to the parks and recreation commission: SHB 550

**FINANCIAL INSTITUTIONS**

- Authority expanded, allowed to engage in any other lawful activity: \*SHB 341, CH 498 (1987), SB 5258, SSB 5258
- Check deposits and fund availability, financial institutions to reduce fund availability delay: SHB 622
- Escrow transactions, collected funds act: SB 5562
- Land bank, state investment board may invest in: SB 5174, \*SSB 5174, CH 29 (1987)
- Motor vehicle purchases, service charge on retail installment sales limited: SHB 366
- Real estate loan agreements, security protection provisions: SB 5154, SSB 5154
- Real estate transaction trust funds, interest for low-income housing and real estate research: SB 5848, SSB 5848

**FINGERPRINTING**

- Automatic fingerprint identification system: \*SHB 1065, CH 450 (1987)

**FIRE ALARMS**

- Electricians, certificate of competency for fire alarm electricians: SB 5772, SSB 5772, 2SSB 5772

**FIRE PROTECTION**

- Burning permits, fire district authority modified in clean air act instances: SB 5318
- Burning permits, fire districts may revoke to protect life, property or in nuisance situations: \*SSB 5318, CH 21 (1987)
- Civil service exemption for police and fire chiefs: \*SHB 902, CH 339 (1987)
- Collective bargaining, uniformed personnel definition modified: \*SHB 498, CH 521 (1987)
- Districts, ballot proposition to maintain tax or increase tax: \*SHB 298, CH 138 (1987)
- Districts, withdrawal of area by districts authorized: \*SHB 298, CH 138 (1987)
- Fire fighters, respiratory disease presumed to be occupationally related: \*SSB 5801, CH 515 (1987)
- Fire history of Washington state, history of slash burning, DOE, UW, DNR, and energy office: SSB 5853
- LEOFF, directors of public safety included: \*SHB 47, CH 418 (1987)
- LEOFF II revised: SB 5347, SSB 5347
- Respiratory disease presumed to be occupationally related: \*SSB 5801, CH 515 (1987)
- Retirement, city pension fund levy limitation for certain annexations: \*HB 772, CH 319 (1987)
- Retirement, directors of public safety included in LEOFF: \*SHB 47, CH 418 (1987)
- Service charges revised for fire districts: \*SHB 168, CH 325 (1987)
- Smoke management plan to be reviewed by DNR and DOE: SSB 5853
- Surplus property of public agencies has priority for acquisition by fire protection districts: SB 5256



**FIRE PROTECTION—cont.**

- Vehicles exempt from television receiver and headphone restrictions: \*HB 431, CH 176 (1987), SB 5721
- Volunteer fire fighters, DNR liability limited: SB 5311, SSB 5311
- Volunteer fire fighters, immunity, revisions: SB 6048, \*SSB 6048, CH 212 (1987)

**FIREARMS**

- Civil disorders, prohibiting teaching, exhibiting or demonstrating the use of guns: SB 5744
- Convicted defendants whose indictments are dismissed, restrictions authorized: SB 5929
- Electric weapons, prohibiting possession: SB 5869
- Handguns may be carried while hunting: SB 5157, SSB 5157
- Negligent discharge of firearms is a gross misdemeanor: SB 5125

**FIREWORKS**

- Counties may prohibit, large cities may adopt restrictive ordinances: SB 5931
- Major revisions, preempting local authority, enforcement strengthened: SB 5859
- Public displays, deposit etc., revisions: HB 1093

**FIRST AMENDMENT**

- Writ of mandamus authorized for certain permit denials involving 1st and 14th amendment: HB 555

**FIRST AVENUE SOUTH BRIDGE**

- Toll bridge, study, revenue bonds authorized: \*SB 5129, CH 510 (1987)

**FIRST RESPONDERS**

- Immunity: SB 6048, \*SSB 6048, CH 212 (1987)

**FIRST SOURCE CONTRACTS**

- Employment security, department of, contracts with industrial development corporations: SB 5398, SSB 5398, 2SSB 5398

**FISCHER, NANCYHELEN**

- Member, commission on judicial conduct, GA 9147 ..... p. 2706

**FISHERIES, DEPARTMENT OF**

- Joseph R. Blum, director, GA 9073, confirmed ..... pp. 38, 129, 194
- Aquaculture, impact of salmon net pens, operating budget: \*SHB 1221, CH 7 E1 (1987)
- Aquaculture siting dispute resolution process to be established by DNR: SB 5122
- Bottom trawling gear unlawful in Hood Canal and Puget Sound: SB 5422
- Bottomfish, commercial net fishing prohibited: SB 5323
- Capital budget: \*SHB 327, CH 6 E1 (1987)
- Department of state resources created: SB 5027
- Diesel fuel used in commercial fishing vessels is exempt from sales and use tax: \*HB 628, CH 494 (1987), SB 5819
- Economic contribution of sport and commercial salmon and sturgeon fishing, operating budget: \*SHB 1221, CH 7 E1 (1987)
- Fees from personal use to be used for management, enhancement, research, and enforcement: SB 5495, \*SSB 5495, CH 87 (1987)
- Foreign fishing vessels required to store gear below deck while in state waters: \*SHB 283, CH 262 (1987)
- Free hunting and fishing licenses for disabled veterans: SB 5653
- Gillnet fishing during daylight hours, rule development: SHCR 4403
- Grays Harbor salmon, status, operating budget: \*SHB 1221, CH 7 E1 (1987), SB 5379
- Halibut license may be required: SB 5495, \*SSB 5495, CH 87 (1987)
- Hatcheries, private ownership provided for: SB 5828
- Indian and non-Indian fisheries, persons fishing both, regulated: SB 5050
- Indian shellfish claims, mediation process: SB 5158, SSB 5158
- Lake Washington salmon production: SB 5324

**FISHERIES, DEPARTMENT OF—cont.**

- Lingcod license may be required: SB 5495, \*SSB 5495, CH 87 (1987)  
 Marine and ocean resources, joint committee created: \*SHCR 4407 (1987), SCR 8406  
 Mt. St. Helens, fish collection facility at the sediment retention site: \*2SHB 758, CH 506 (1987), SB 5338, SSB 5338  
 Navy home port impact, funds to offset: \*SHB 611, CH 272 (1987)  
 Ocean beach management, temporary plans authorized: SB 6057  
 Ocean beaches, management program authorized: SB 5434, SSB 5434  
 Operating budget: \*SHB 1221, CH 7 E1 (1987)  
 Pacific fisheries task force established: HCR 4402  
 Personal use fees to be used for management, enhancement, research, and enforcement: SB 5495, \*SSB 5495, CH 87 (1987)  
 Personal use, license revised, salmon punchcard, two-consecutive-day combined license: SB 5495, \*SSB 5495, CH 87 (1987)  
 Processor liens for commercial fishermen authorized: \*SHB 60, CH 148 (1987)  
 Public works, certain agencies, competitive bid and advertisement threshold modified: \*SB 5522, CH 218 (1987)  
 Queets River, benefits study, operating budget: \*SHB 1221, CH 7 E1 (1987)  
 Recreational fishing license for all uses, game and food fish: SB 5189  
 Salmon charter boat license revisions: SB 5342  
 Salmon, economic impact of harvest on local economy, DCD: SHB 223, \*SHB 1221, CH 7 E1 (1987)  
 Salmon eggs, surplus, cooperative projects may not profit from egg sales: SB 5763, \*SSB 5763, CH 48 (1987)  
 Salmon eggs, surplus, sale restricted depending on rehabilitation and watershed: SB 5036  
 Salmon enhancement facilities, private ownership provided for: SB 5828  
 Salmon, Grays Harbor salmon enhancement: SB 5379, \*SHB 1221, CH 7 E1 (1987)  
 Salmon guides to be licensed: HB 1031  
 Salmon production, Lake Washington: SB 5324  
 Saltwater net pens, demonstration and study by DNR: SB 5122, SSB 5122  
 Sevin, use prohibited in crab or juvenile anadromous fish habitat: SB 5038  
 Skin or scuba divers, license to take fish or shellfish recreationally: SB 5126  
 Steelhead punchcards free for persons over 70: SB 5384  
 Sturgeon, economic impact of harvest on local economy, DCD: SHB 223, \*SHB 1221, CH 7 E1 (1987)  
 Sturgeon license may be required: SB 5495, \*SSB 5495, CH 87 (1987)  
 Surplus salmon eggs, sale restricted depending on rehabilitation and watershed: SB 5036  
 Tilton River, coho run, operating budget: \*SHB 1221, CH 7 E1 (1987)  
 Toutle River fish collection, operating budget: \*SHB 1221, CH 7 E1 (1987)  
 Violations, decriminalizing, infraction procedures: \*SHB 170, CH 380 (1987)

**FLEMING, SENATOR GEORGE**

- Oath of office ..... p. 3  
 Appointed member financial institutions, rules and ways and means committees p. 24  
 Personal privilege, vote on ESSB 5020 ..... p. 234  
 Demand for call of the senate ..... p. 862  
 Personal privilege, congratulations to Martin Luther King essay contest winners p. 1534  
 Appointed interim member Governor's small business improvement council and legislative committee on economic development ..... p. 2648

**FLOOD CONTROL**

- Counties, AA, exempt from state flood control: SB 5156  
 Floodplain management, DOE responsibility modified: \*SB 5556, CH 523 (1987)

**FLOOD CONTROL—cont.**

Snohomish river flood control zone, certain towns may apply for exemptions: SSB 5156

**FLOOR RESOLUTIONS OF THE SENATE**

Agriculture day, March 20, 1987: SFR 8630	p. 877
Air force crewmen who died in Fairchild Air Force Base crash honored: SFR 8631	p. 780
Arctic Wildlife refuge, open up to oil exploration: SFR 8668	p. 2525
Australia, exchange program: SFR 8617	p. 526
Bickleton senior class thanked for their participation in Johnny Carson's small town america program: SFR 8641	p. 2521
Boy scouts honored: SFR 8606	p. 247
BPA budget be given scrutiny, rate review: SFR 8611	p. 281
Catholic school week, February 2nd: SFR 8607	p. 210
Central Washington University, Dean Nicholson honored: SFR 8642	p. 1169
Chambers of commerce common goal of building strong communities recognized: SFR 8614	p. 471
Classroom teachers honored: SFR 8680	p. 2410
College tuition reduction and equity for part-time students: SFR 8645	p. 2522
Columbia River honored, joint celebration with Oregon suggested: SFR 8678	p. 2528
Coplen, Dennis, vocational education expert, his passing mourned: SFR 8621	p. 472
Courtesies extended to former members, secretaries, presidents: SFR 8601	p. 8
Daffodil festival grand parade and other daffodil events noted: SFR 8640	p. 992
Educational week, June 22nd: SFR 8669	p. 2526
Elks hoop shoot: SFR 8679	p. 2529
Elks of Aberdeen Washington recognized for their ongoing status as ambassadors of good will: SFR 8604	p. 166
Fraser river area sockeye panel: SFR 8664	p. 2524
Future Farmers of America, outstanding program honored: SFR 8609	p. 414
Garfield high school men and women honored for their athletic distinctions: SFR 8632	p. 826
Girl scouts honored and their 75th anniversary celebrated: SFR 8628	p. 592
Green River College women's basketball team, success renown: SFR 8619	p. 450
Group study exchange team promoted: SFR 8617	p. 526
Highways, secondary highway construction, impact on the safety of surrounding communities, assistance requested: SFR 8684	p. 2530
Hi-Q celebrated: SFR 8659	p. 2524
Holcomb, Lewis Holcomb honored for his dedication to ports: SFR 8681	p. 2529
House notified that senate is ready for business: SFR 8600	p. 7
House notified that senate is ready for business: SFR 8677	p. 2391
House notified that senate is ready for business: SFR 8692	p. 2681
House notified that senate is ready for business: SFR 8694	p. 2693
Husky Stadium wreckage be kept as art: SFR 8629	p. 886
Idaho's taxing of Washington common carriers, address: SFR 8666	p. 2525

## FLOOR RESOLUTIONS OF THE SENATE—cont.

Independent schools, equal educational opportunities for minorities and single parents: SFR 8663	p. 2630
Ingraham high school's winning of the academic decathlon noted: SFR 8626	p. 890
Interim work, process established: SFR 8675	p. 2386
Kern river, recommends to FERC that a certificate be granted: SFR 8647	p. 2249
King, Martin Luther, recognized: SFR 8603	p. 107
Law enforcement officers memorial dedication noted: SFR 8660	p. 1978
Legend drug sample distribution, study: SFR 8683	p. 2530
Mark Morris basketball team, state AA champs: SFR 8636	p. 953
Mark Morris women win the scholastic achievement award: SFR 8638	p. 952
Meadowcroft, Elizabeth, her tenure on the game commission recognized: SFR 8643	p. 1126
Morton high school's feat of winning the class B basketball championship noted: SFR 8634	p. 924
Murals in the senate are to be removed: SFR 8633	p. 974
Norway and Sweden, independence day celebrated, honorary Norwegians: SFR 8687	p. 2543
Olympia postmark: SFR 8646	p. 1978
Olympia's designation as an All-American city noted: SFR 8689	p. 2639
Onalaska Loggers high school, state B football champs: SFR 8635	p. 936
Parks, Gary L., death in line of duty as fire fighter noted: SFR 8616	p. 324
PERS I and PERS II, address the usefulness of creating a PERS I situation for certain correctional employees: SFR 8662	p. 2639
Pierce county law officers thanked for their contributions for improving the county: SFR 8651	p. 2523
Pompey, James Allen Pompey, his work with the green river task force honored and his passing mourned: SFR 8685	p. 2454
Rules for the 50th legislature adopted: SFR 8602	pp. 8, 23, 81
School food service programs, study state involvement: SFR 8665	p. 2536
Scobee, Francis R. Scobee of the Space Shuttle Challenger honored: SFR 8605	p. 151
Self-esteem and self-confidence recognized as important in education, study and address: SFR 8686	p. 2531
Shake and shingle industry: SFR 8671	p. 2527
Sine die, notify house that the senate is about to adjourn: SFR 8676	p. 2387
Sine die, notify house that the senate is about to adjourn: SFR 8691	p. 2677
Sine die, notify house that the senate is about to adjourn: SFR 8693	p. 2689
Sine die, notify house that the senate is about to adjourn: SFR 8695	p. 2713
Slepak, Vladimir and Maria Slepak day: SFR 8644	p. 1125
Small business conference in October supported: SFR 8682	p. 2530
Special education needs to be studied: SFR 8639	p. 2535
St. Patrick's day celebration in Renton and the Canadian pipe band gratefully welcomed: SFR 8623	p. 591

**FLOOR RESOLUTIONS OF THE SENATE—cont.**

- Terrey, Dr. John, recognized for his dedication to  
community college education: SFR 8648 ..... p. 1515
- Thomas, Billy Joe, age 10, awesome contribution  
noted: SFR 8622 ..... p. 525
- Thomas, Billy Joe, honored, speech to the senate  
noted: SFR 8657 ..... p. 2249
- Transportation in the future, support  
the symposium: SFR 8670 ..... p. 2527
- Trooper Cossar, devoted service noted and his years of  
work committed to safety and children honored: SFR 8624 ..... p. 563
- Trooper Gain, his sudden death in the line of duty noted and  
our sorrow expressed: SFR 8620 ..... p. 471
- Tulips welcomed, lauded, and applauded: SFR 8608 ..... p. 382
- Vancouver's designation as an All-American city  
noted: SFR 8690 ..... p. 2640
- Veterans, statewide veterans memorial foundation, site memorial  
at Everson: SFR 8618 ..... p. 429
- Vietnam veterans honored, return POWs and MIAs: SFR 8649 ..... p. 2522
- Vocational education week: SFR 8612 ..... p. 282
- Washington, George Washington's birthday and other events marking  
the advent of American capitalism celebrated: SFR 8613 ..... p. 359
- Washington scholars congratulated, tuition waivers  
given: SFR 8658 ..... p. 1695
- Washington wildlife week, second week of April: SFR 8674 ..... p. 2528

**FOLK SONG**

- State folk song, Roll On Columbia, Roll On: \*SSB 5081, CH 526 (1987), SB 5221

**FOOD**

- Food service permit requirements: \*SHB 258, CH 223 (1987), SB 5340, SSB 5340
- Lamb, labelling of country of origin: \*SHB 353, CH 393 (1987)
- Organic food, certification program: \*SHB 353, CH 393 (1987)
- Slaughtering, custom slaughtering facilities, revisions: \*SB 5381, CH 77 (1987)

**FOOD STAMPS**

- Sales and use tax, tax exemption extended to food stamp eligible foods: \*HB 282,  
CH 28 (1987), SB 5267

**FORD, DONALD M.**

- Member, oil and gas conservation committee, GA 9028,  
confirmed ..... pp. 30, 185, 564

**FORECLOSURE**

- Buyers, class of restricted buyers modified: SB 5054
- Family farms, mediation prior to foreclosure: SB 5173
- Homestead, fair value, upset price provisions deleted: SB 5500

**FOREIGN FISHING VESSELS**

- Gear must be stowed below deck while in state waters: \*SHB 283, CH 262 (1987)

**FOREIGN TRADE**

- Trade fair fund, 1 million dollars may be spent each fiscal biennium on foreign  
trade: HB 744

**FOREST PRACTICES**

- DNR required to make forest fires a first priority response: SB 5442
- Earth movement and fluvial processes, remedial action: SB 5845, SSB 5845, \*2SSB  
5845, CH 95 (1987)
- Fire history of Washington state, history of slash burning, DOE, UW, DNR, and  
energy office: SSB 5853
- Revisions, cooperation: SB 5845, SSB 5845, \*2SSB 5845, CH 95 (1987)
- Riparian ecosystems protected: SB 5845, SSB 5845, \*2SSB 5845, CH 95 (1987)

**FOREST PRACTICES—cont.**

Slash burns regulated: SB 5853

Smoke management plan to be reviewed by DNR and DOE: SSB 5853

**FOREST PRACTICES APPEALS BOARD**

Norman L. Winn, reappointed member, GA 9114 ..... p. 763

**FOREST SERVICE**

Nonhighway roads: SB 5933

Spotted owl, review of designation by Congress: SJM 8000

**FOSTER PARENTS**

Children eligible for federal financial aid to be identified: 2SHB 586

Foster parent training as part of foster care program: \*2SHB 586, CH 503 (1987)

Operating budget: \*SHB 1221, CH 7 E1 (1987)

**FOURTEENTH AMENDMENT**

Writ of mandamus authorized for certain permit denials involving 1st and 14th amendment: HB 555

**FRATERNAL BENEFIT SOCIETIES**

Discrimination precludes society from tax exemptions: \*HB 432, CH 366 (1987), SB 5411

Regulating: \*HB 432, CH 366 (1987), SB 5411

**FRAUD**

Labor and industries appeals, evidence introduction changed: \*HB 187, CH 151 (1987), SB 5216

Motor vehicle fuel taxes: \*SHB 347, CH 174 (1987)

**FRAUDULENT TRANSFER ACT**

Uniform act enacted: \*HB 94, CH 444 (1987)

**FREELAND**

Scenic highway system, area reserved: SB 5209

**FRIVOLOUS LAWSUITS**

Revisions: SB 5262, \*SSB 6048, CH 212 (1987)

**FRUIT PACKING MATERIAL**

B &amp; O tax exempt: SB 6072

**FU, XIE YI**

Exchange teacher from China introduced ..... p. 568

**FUNDS**

Audit services revolving fund: \*SHB 732, CH 165 (1987), SB 6040

Budget reserve fund created, receives state lottery money: SB 5099

Child sexual abuse account, revenue from tax on adult entertainment: SB 5703

Childrens' trust fund established, cost-neutral revenue system to fund prevention programs: \*SHB 506, CH 351 (1987)

Deferred compensation revolving fund renamed the principal account: \*HB 377, CH 121 (1987), SB 5369

Disability accommodation revolving fund established: SB 5330, \*SSB 5330, CH 9 (1987)

Disaster assistance fund established for various emergencies: SB 5264, SSB 5264

Distinguished professorship trust fund program established, matching funds: \*2SHB 339, CH 8 (1987), SB 5474

Educational information clearinghouse, revolving fund: \*HB 410, CH 119 (1987), SB 5627

Election campaign financing trust fund: SB 5505

Emergency reserve fund: SB 5684

Endangered landmarks preservation fund, DCD: SSB 5639

Federal food service revolving fund established: \*SB 5642, CH 193 (1987)

Grade protective fund transfer to motor vehicle fund: \*HB 1123, CH 257 (1987)

**FUNDS—cont.**

- Graduate fellowship trust fund program: SB 5660
- Grain indemnity fund created: \*SB 5571, CH 509 (1987)
- Heritage revolving fund established: SB 5639
- Liquor revolving fund, juvenile alcohol and drug prevention programs, DSHS programs, wine research: \*HB 1228, CH 458 (1987), SB 5070, SSB 5070
- Liquor revolving fund, wine commission established: 2SHB 569, SB 5503, SSB 5503
- Motor vehicle fund uses, chip-sealing, seal-coating: \*HB 825, CH 234 (1987)
- Pacific celebration fund established: SB 5643
- Public employees' insurance fund created: SB 5151
- Public funds, investment revisions: SHB 1129
- Public land permanent funds, investment authorized: \*SJR 8212 (1987)
- Public office funds eliminated: SB 5722
- State emergency reserve fund: SJR 8215
- State employees' insurance fund, renamed principal account: \*HB 378, CH 122 (1987), SB 5370
- State trade fair fund, 1 million dollars may be spent each fiscal biennium on foreign trade: HB 744
- Urban arterial trust fund, apportionment provisions revised: \*HB 748, CH 360 (1987)
- Washington fund for excellence in higher education program, grants to encourage improvements: SB 5475
- Wood stove public education fund created: SB 5315

**FUNK, MARY ANN**

- Trustee, Skagit Valley community college district no. 4. GA 9077, confirmed ..... pp. 39, 934, 2136

**FURLOUGHS**

- Conditions revised: SB 5676

**FURNITURE**

- State furniture purchases, study: SHB 25, SB 5320

**FUTURE FARMERS OF AMERICA**

- State officers installed ..... p. 414

**FUTURES RESEARCH**

- Shareholder program, centennial celebration, communication on public issues, DCD duties: SB 5573

**GAIN, TROOPER JAMES**

- Honored, SFR 1987-8620 ..... p. 471

**GAMBLING**

- Incidental activities, class B, C, or H liquor license establishments: SSB 6062
- Probability must be fully disclosed: SB 5352
- Pull-tab and punchboard tax increased: SB 5527
- Slot machines, antique redefined, 25 years old or more: \*SB 5032, CH 191 (1987)
- Sports forecasting contests authorized: SHB 1165
- Statutes recodified: \*HB 6, CH 4 (1987)

**GAMBLING COMMISSION, STATE**

- Patrick J. Graham, member, GA 9003, confirmed ..... pp. 25, 858, 2445
- Thomas P. Keefe, reappointed member, GA 9134 ..... p. 2703
- Ann H. Noel, member, GA 9012, confirmed ..... pp. 27, 858, 2446
- Robert Tull, member, GA 9010, confirmed ..... pp. 26, 858, 974

**GAME COMMISSION**

- John C. McGlenn, member, GA 9136 ..... p. 2704
- Elizabeth Meadowcroft, former member introduced and addressed senate ..... p. 1127
- Nat Washington, member, GA 9123 ..... p. 2046

**GAME, DEPARTMENT OF**

Animal traps prohibited in low elevation areas of Pierce, King, and Thurston counties: SB 5543

Capital budget: \*SHB 327, CH 6 E1 (1987)

Commission meeting dates, flexibility provided for: \*HB 136, CH 114 (1987)

Department of state resources created: SB 5027

Duck stamp, age requirement clarified: HB 112

Endangered species conservation act: 2SHB 210

Endangered species stamp authorized as a revenue source: 2SHB 210

Family fishing days: HB 125, \*2SHB 758, CH 506 (1987)

Fishing on inaccessible owner-stocked lakes: SB 5135, SSB 5135

Fishing without a license, commission may designate times and places for doing so: HB 125, \*2SHB 758, CH 506 (1987)

Free hunting and fishing licenses for disabled veterans: SB 5653

Hunting, crossbows not allowed, handguns may be carried: SB 5157, SSB 5157

Injured wildlife, game commission to contract with veterinarians, toll-free hotline: SB 5039

Injured wildlife, network of vets and rehabilitators to be created by department: SSB 5039

Land transferred to DNR: SB 5153

Lease negotiation for mineral development: SB 5999

License purchase with intent to reduce permit pool illegal: SB 5185

Mt. St. Helens, fish collection facility at the sediment retention site: \*2SHB 758, CH 506 (1987), SB 5338, SSB 5338

Ocean beach management, temporary plans authorized: SB 6057

Operating budget: \*SHB 1221, CH 7 E1 (1987)

Public works, certain agencies, competitive bid and advertisement threshold modified: \*SB 5522, CH 218 (1987)

Recreational fishing license for all uses, game and food fish: SB 5189

Senior citizen licenses, time limit to establish policy extended: SB 5641, SSB 5641

Sportsmen's commission to develop an Olympic quality facility for archery, trap shooting, etc.: SB 5394, SSB 5394

Steelhead punchcards free for persons over 70: SB 5384

Trophy hunting of post-mature males from special herds: \*2SHB 758, CH 506 (1987)

Violations, decriminalizing, infraction procedures: \*SHB 170, CH 380 (1987)

Wildlife department created, game department abolished: \*2SHB 758, CH 506 (1987), SB 5251, SB 5664, SSB 5664

**GARBAGE (See also SOLID WASTE)**

Cedar Hills landfill, phasing out: SB 5068

Landfills restricted for use in 1992, only certain materials: SHB 509

Swine, feeding garbage to swine, provisions revised: \*HB 374, CH 163 (1987)

**GARDNER, GOVERNOR BOOTH (See also GOVERNOR)****GARFIELD HIGH SCHOOL**

Girls and Boys state AAA champions introduced, SFR 8632 ..... p. 826

**GARNISHMENT**

Judgments, enforcement revised: \*SHB 927, CH 442 (1987)

Rent, nonpayment by persons on public assistance, recovery procedures, garnishment: SB 5751

**GARRETT, LARRY**

Eagle scout from Bellevue presented flag ..... p. 242

**GARRETT, SENATOR AVERY**

Appointed member governmental operations, vice chair; rules and transportation committees ..... p. 24

Point of order, amendment to SHB 1129 ..... p. 1713

Point of order, conference committee report, HB 698 ..... p. 2208



**GARRETT, SENATOR AVERY—cont.**

Appointed interim member joint committee on pension policy and municipal research council . . . . . p. 2647

**GAS COMPANIES**

Billing errors, customer liability limited: SB 5037, SSB 5572  
 Kern River pipeline, FERC approval requested: SJM 8011  
 Termination of utility service, revisions: \*HB 992, CH 356 (1987)

**GAS STATIONS**

Equipment and facilities to be provided for customers such as air, bathrooms, window washing supplies: SB 5670  
 Franchise violations, consumer protection violations: SB 5671  
 Fuel refiners/suppliers may not operate retail outlets: SB 5674  
 Market share, when over 20%, refiners/suppliers cannot operate outlets: SB 5673  
 Motor fuel inspections: SB 6059  
 Purchase requirements from producer/refiner unlawful: SB 5672  
 Refiners may own under certain conditions: SB 5672

**GASOLINE PRODUCTS**

Delivery trucks to have meters and supply receipts: SB 5565, \*SSB 5565, CH 42 (1987)  
 Environmental excellence awards for labelling of products authorized by DOE: \*SB 5051, CH 67 (1987)  
 Hazardous materials, site cleanup responsibility: SB 6085, CH 2 E3 (1987)  
 Sale of gas and alcohol concurrently is forbidden: SB 5397  
 Special fuel, exempt from taxation if part of a logging operation on federal land: \*HB 24, CH 294 (1987), SB 5932

**GASPARD, SENATOR MARCUS S.**

Appointed member education, chair; ways and means, vice chair; and agriculture committees . . . . . p. 24  
 Point of order, house amendments to SSB 5622 . . . . . p. 1833  
 Statement for journal, Indian land claims provisions, ESHB 1221 . . . . . p. 2511  
 Point of order, ESSB 6055 properly before senate . . . . . p. 2566  
 Remarks on SB 6078 . . . . . p. 2682  
 Appointed interim member joint legislative ethics board, legislative budget committee, actuary, and office of the special committee . . . . . p. 2648

**GAY RIGHTS (See also AIDS)**

Discrimination prohibited: SB 5736, SSB 5736  
 Insurance discrimination prohibited: SB 5773

**GENERAL ADMINISTRATION**

Capital budget: \*SHB 327, CH 6 E1 (1987)  
 Contracts with the state, affirmative action plans by contractors: SB 5459, SSB 5459  
 Credit card use: \*SB 5523, CH 47 (1987)  
 Energy conservation in state facilities, authority from GA to energy office: SB 6028, SSB 6028  
 Energy conservation in state facilities, primary authority with state energy office: SSB 6028  
 Furniture purchases, study: SHB 25, SB 5320  
 Institutions may enter into purchasing contracts for health care programs : \*SB 5161, CH 70 (1987), SB 5499  
 Lease authority revised: SB 6073  
 Operating budget: \*SHB 1221, CH 7 E1 (1987)  
 Paper products, recycled paper products given priority: SB 5376, SSB 5376  
 Personal service contracts, open competition: \*SHB 88, CH 414 (1987)  
 Personal service contracts, open competition, legislative review of those negotiated without competition: SHB 88, SB 5365, SSB 5365, SB 5524

**GENERAL ADMINISTRATION—cont.**

Personal service contracts, restricting: SB 5111

Public works, certain agencies, competitive bid and advertisement threshold modified: \*SB 5522, CH 218 (1987)

Purchases without competitive bidding, threshold increased: SB 5180, \*SSB 5180, CH 81 (1987)

Video, state-wide network, study, operating budget: \*SHB 1221, CH 7 E1 (1987)

**GENERAL ADMINISTRATION, DEPARTMENT OF**

Mary G. Faulk, director, GA 9049, confirmed . . . . . pp. 34, 270, 304, 905

**GENERAL OBLIGATION BONDS**

Capital and operating projects, state general obligation bonds authorized: \*SHB 621, CH 3 E1 (1987)

**GENETIC SCREENING**

Prenatal test laboratories licensed: SB 5378, SSB 5378

**GIFT TAX**

Transfer tax imposed: SB 5188

**GILLNET FISHING**

Daylight hours, rule development: SHCR 4403

**GO**

Mental sports competition and research advisory committee: \*2SHB 456, CH 518 (1987), SB 5056

**GIRL SCOUTS**

Senior scout Jackie Carter and Cadette scout Robin Zuiderweld presented flag . . . . . p. 590

Junior scout Mardy Morissette, brownie scout Macy La Violette and daisy scout Kimberly Taylor introduced . . . . . p. 590

**GOLD**

Commodity brokers, license revisions: \*SB 5178, CH 243 (1987)

Mining on public lands regulated: SB 5193, \*SSB 5193, CH 20 (1987)

**GOLTZ, H. A. "BARNEY"**

Chair, hospital commission, GA 9116,

confirmed . . . . . pp. 972, 2069, 2231

Former senator and member of Expo '86 world fair commission introduced and addressed senate . . . . . p. 705

**GONZALES, HECTOR X.**

Member, corrections standards board, GA 9102,

confirmed . . . . . pp. 377, 2068, 2413

**GOOD SHEPARD HOMES**

Community group home placements, appropriation: SB 5968

**GOVERNOR (See also GARDNER, BOOTH)**

Award for excellence in hazardous or solid waste management: \*HB 49, CH 115 (1987)

Children, Governor's commission on children: \*2SHB 813, CH 473 (1987)

Commutations of sentences . . . . . p. 58

Disaster assistance fund established for various emergencies: SB 5264, SSB 5264

Gubernatorial appointments, confirmation process revised: SB 5025, SSB 5025

Gubernatorial appointments, special one-day sessions: SJR 8201, SSJR 8201

Gubernatorial appointments, successor process revised: SB 5025, SSB 5025

Gubernatorial appointments, time limit for senate confirmation: SB 5093

Legislative powers modified regarding veto: SJR 8213

Operating budget: \*SHB 1221, CH 7 E1 (1987)

Presented medal of merit award to Orville A. Vogel . . . . . p. 1177

Proclamation convening special session . . . . . pp. 2391, 2679, 2691

**GOVERNOR—cont.**

- Reorganization of the executive branch: SJR 8211, SSJR 8211
- Rules review committee, suspension of agency rules authorized: SB 5057
- School drop-out task force: \*2SHB 456, CH 518 (1987)
- State of the state message to be given at joint session:
  - \*HCR 4400 (1987) ..... p. 53
- Term commencement, date revised: SB 5011
- Transportation secretary appointed by the Governor instead of commission: SB 5028
- Unified business identifier, operating budget: \*SHB 1221, CH 7 E1 (1987)

**GRAFFITI**

- Sales and use tax for removal: SB 5145
- Spray paint may not be possessed by minors: SSB 5145

**GRAHAM, PATRICK J.**

- Member, state gambling commission, GA 9003, confirmed ..... pp. 25, 858, 2445

**GRAIN DEALERS**

- Grain indemnity fund created: \*SB 5571, CH 509 (1987)
- Liens, violations, penalties increased: \*SHB 353, CH 393 (1987)

**GRANLUND, BARBARA**

- Member, sentencing guidelines commission, GA 9109, confirmed ..... pp. 565, 987, 1708

**GRAPES**

- Research, liquor revolving fund: \*HB 1228, CH 458 (1987), SB 5070, SSB 5070
- Wine commission established: \*2SHB 569, CH 452 (1987), SB 5503, SSB 5503

**GRAVEL**

- Mining on public lands regulated: SB 5193, \*SSB 5193, CH 20 (1987)

**GRAYS HARBOR**

- Operating budget, status of salmon: \*SHB 1221, CH 7 E1 (1987)
- Salmon production enhancement: SB 5379

**GRAYS HARBOR COMMUNITY COLLEGE DISTRICT NO. 2**

- Jack Durney, reappointed trustee, GA 9065, confirmed ..... pp. 37, 933, 2049

**GRAYS HARBOR DREDGING**

- Capital budget: \*SHB 327, CH 6 E1 (1987)

**GREEN LIGHTS**

- Authorized for private cars of emergency personnel: SHB 23
- Dive rescue personnel may have on cars: SB 5112

**GREEN RIVER COMMUNITY COLLEGE DISTRICT NO. 10**

- James D. Avers, trustee, GA 9088, confirmed ..... pp. 146, 971, 1710

**GRIGGS, DAVID**

- NASA astronaut introduced and addressed senate ..... p. 1315

**GRIZZLY BEAR**

- Poaching fine of \$5,000: \*2SHB 758, CH 506 (1987)

**GROCERY STORES**

- Work hours of 11 p.m. to 6 a.m., security measures required: SHB 473

**GUNS**

- Civil disorders, prohibiting teaching, exhibiting or demonstrating the use of guns: SB 5744
- Convicted defendants whose indictments are dismissed, restrictions authorized: SB 5929
- Electric weapons, prohibiting possession: SB 5869

**GUNS—cont.**

- Handguns may be carried while hunting: SB 5157, SSB 5157  
 Negligent discharge of firearms is a gross misdemeanor: SB 5125  
 Products liability action, grounds specified: HB 662, SB 5388, SSB 5710  
 Sawed-off shotguns and short rifles, prohibited: SB 5710, SSB 5710  
 Sentencing, deadly weapons, additional supervision: SB 5086

**HALIBUT**

- Personal use license may be required: SB 5495, \*SSB 5495, CH 87 (1987)

**HALL, GLENNA S.**

- Member, state parks and recreation commission,  
 GA 9045, confirmed ..... pp. 33, 443, 989

**HALSAN, SENATOR STUART A. "STU"**

- Appointed member governmental operations, chair; judiciary, vice chair; and  
 transportation committees ..... p. 24  
 Point of order, motion to adopt conference report not before senate, SHB 773 ..... p.  
 2149  
 Appointed interim member organized crime advisor board, statute law commit-  
 tee, legislative systems committee, public defender task force, joint adminis-  
 trative rules committee, local governance study commission ..... p. 2648

**HAM RADIO OPERATORS**

- Lease of state lands authorized: SB 5055, SSB 5055

**HANFORD (See also HAZARDOUS MATERIALS)**

- Cleanup and disposal of radioactive wastes requested: SHJM 4023  
 Energy facility site evaluation, construction includes suspension of construction:  
 SB 5213, SSB 5213  
 Tri-cities, diversify economy: \*SHB 1132, CH 501 (1987)

**HANGING**

- Execution dates, reauthorized death warrants don't require defendant's pres-  
 ence: \*SB 5549, CH 286 (1987)

**HANSEN, SENATOR FRANK "TUB"**

- Oath of office ..... p. 3  
 Appointed member agriculture, chair; transportation, vice chair (East); and  
 parks and ecology committees ..... p. 24  
 Point of order, amendment to SSB 5608 ..... p. 542  
 Appointed interim member joint select committee on labor/management, legis-  
 lative transportation committee ..... p. 2648

**HARASSMENT**

- Protection from unlawful harassment provided: SB 5142, \*SSB 5142, CH 280 (1987)

**HARLAN, DEBORAH RENAE**

- Daffodil festival queen introduced and addressed senate ..... p. 993

**HARMON, SARA T.**

- Chair, board of industrial insurance appeals, GA 9133 ..... p. 2703

**HARPEL, CHRIS**

- Star scout from Battleground introduced ..... p. 247

**HARRIS, CARMEN**

- Princess, apple blossom royalty introduced ..... p. 383

**HARSTENE ISLAND TRUST PROPERTY**

- DNR lands, certain transferred to the parks and recreation commission: SHB 550

**HAYES, PHILIP S.**

- Reappointed member, state board for community college education,  
 GA 9058, confirmed ..... pp. 35, 1501, 2047

**HAYNER, SENATOR JEANNETTE**

- Second nomination of Senator Rasmussen as  
 president pro tempore ..... p. 3  
 Appointed member rules, ways and means committees ..... p. 24  
 Point of order, amendment to SHB 755 ..... p. 1556  
 Statement for journal, Indian land claims provisions,  
 ESHB 1221 ..... p. 2511  
 Appointed interim member, joint committee on pension policy, organized crime  
 advisory board, legislative systems committee, statute law committee .... pp.  
 2647, 2648

**HAZARDOUS MATERIALS**

- Award for excellence in hazardous or solid waste management: \*HB 49, CH 115  
 (1987)  
 Business assistance program, pollution prevention pays program: SB 6085, CH 2  
 E3 (1987)  
 Cedar Hills landfill, phasing out: SB 5068  
 Coordinating agencies for incidents, designating: \*SHB 154, CH 238 (1987)  
 Corrective action by DOE authorized: SB 5072  
 Dangerous wastes, DOE to operate a waste exchange between industries: SHB  
 332  
 Dangerous wastes, redefined, radioactive and nonradioactive: SB 5071  
 Definitions revised and major revisions: 2SHB 434, SB 5435  
 Disposal of extremely hazardous wastes: \*SSB 5071, CH 488 (1987)  
 DOE given regulatory authority, shall delegate to pharmacy board: \*SB 5160, CH  
 236 (1987)  
 Energy facility site evaluation, construction includes suspension of construction:  
 SB 5213, SSB 5213  
 Environmental excellence awards for labeling of products authorized by DOE:  
 \*SB 5051, CH 67 (1987)  
 Everett home port, land conveyance: SB 5604, \*SSB 5604, CH 271 (1987)  
 Extremely hazardous waste, disposal regulated: \*SSB 5071, CH 488 (1987)  
 Fees for site users repealed: 2SHB 434, SB 5435  
 Hanford cleanup and disposal of radioactive wastes requested: \*SHJM 4023  
 (1987)  
 Hazardous waste, DOE authorized to do corrective action: SB 5072  
 Hazardous waste management priorities to be followed: SHB 15  
 Hazardous waste, plan to be developed to keep superfund entitlement: SB 5941,  
 SSB 5941  
 Hazardous wastes, containment, stabilization: SB 5941  
 Hazardous wastes, DOE may regulate all wastes, including those with radioac-  
 tive and hazardous components: SB 5071, SSB 5071  
 Hazardous wastes, DOE may regulate all wastes, including those with radioac-  
 tive and hazardous components: SB 5071, \*SSB 5071, CH 488 (1987)  
 Hazardous wastes redefined to include substances combined with radioactive  
 and hazardous components: \*SSB 5071, CH 488 (1987)  
 Household hazardous waste disposal: SB 6085 CH 2 E3 (1987)  
 Immunity for good faith performance during hazardous materials incidents: \*SHB  
 154, CH 238 (1987)  
 Incidents, immunity for good faith performance during response to incident: \*SHB  
 154, CH 238 (1987)  
 Incidents, revisions regarding designating command agency: \*SHB 154, CH 238  
 (1987)  
 Incineration, state preemption limited to future facilities: SB 5043  
 Incinerator residues resulting from burning municipal wastes are classified as  
 special: SB 5570, \*SSB 5570, CH 528 (1987)  
 Kern River pipeline, FERC approval requested: SJM 8011  
 Major revisions, response and clean up, responsibility: 2SHB 434, SB 5435  
 Navy base, Everett, tideland exchange: SB 5687

**HAZARDOUS MATERIALS—cont.**

- Operating budget: \*SHB 1221, CH 7 E1 (1987)
- Paints, antifouling paint with TBT at certain concentrations is banned: \*SSB 5978, CH 334 (1987)
- Pesticide applicator licensing, revisions: \*SSB 5144, CH 45 (1987)
- Pesticide disposal by farmers: SB 6010, SSB 6010
- Radiation perpetual maintenance fund, revisions regarding collection of charges: \*HB 843, CH 184 (1987)
- Radioactive materials, transportation, interstate agreement: \*SB 5164, CH 90 (1987)
- Radioactive materials, transportation regulated: SB 5165, SSB 5165
- Radioactive waste management, violations, penalties revised: SB 5895, SSB 5895
- Radioactive wastes, dangerous waste redefined to include: SB 5071
- Radioactive wastes, hazardous waste redefined to include substances combined with radioactive and hazardous components: \*SSB 5071, CH 488 (1987)
- Radioactive wastes, port of entry: \*SHB 385, CH 86 (1987), SB 5222, SSB 5222
- Response action plans: 2SHB 434, SB 5435
- Responsibility for site cleanup: SB 6085, CH 2 E3 (1987)
- Sevin, use prohibited in crab or juvenile anadromous fish habitat: SB 5038
- Superfund entitlement, plan to be developed: SB 5941, SSB 5941
- Superfund, hazardous substances regulated: SB 5435
- Taxation, first possession of all hazardous substances and products: SB 6085, CH 2 E3 (1987)
- Threatened releases, regulated: 2SHB 434, SB 5435
- Toxics control reserve account created to hold balance of fee revenues: 2SHB 434
- Toxic endangerment: SB 6085, CH 2 E3 (1987)
- Tributyltin, antifouling paint with TBT prohibited at certain concentrations: \*SSB 5978, CH 334 (1987)
- Tributyltin prohibited in paints: SB 5978
- Tri-cities, diversify economy: \*SHB 1132, CH 501 (1987)
- Underground storage regulated: SB 5942
- Video display terminals, L & I to regulate: SB 5486, SSB 5486
- Violations of environmental protection laws, penalties increased: SB 6009
- Voluntary response action plans: SB 5435
- Waste disposal permit violations, department to develop penalty schedule: SB 5073
- Waste exchange of dangerous wastes between industries to be operated by DOE: SHB 332
- Worker right-to-know, advisory council revisions: \*HB 678, CH 24 (1987), SB 5656
- Worker right-to-know, consumer product explained: \*SSB 5405, CH 365 (1987)
- Worker right-to-know, hazardous substance defined for employer information disclosure: SB 5405

**HEALTH CARE**

- Access, health care access act of 1987: \*2SHB 477, CH 5 E1 (1987), SB 5357
- Checks for health care to be made out to provider: SB 5539
- Chemical dependency, health care contracts to cover: HB 1228, SB 5070, SSB 5070
- Civil actions, health care claims, impute knowledge of parent to minor: SB 6048, \*SSB 6048, CH 212 (1987)
- Claims checks to be made out to provider: SB 5539
- Consent, who may consent for another, priorities: \*SHB 763, CH 162 (1987)
- Dietitians, nutritionists, certification: SB 5669
- Health care access, health plan, operating budget: \*SHB 1221, CH 7 E1 (1987)
- Home health care regulated: SB 5404, SSB 5404
- Hospital stay of 3 days for insurance to be operative is prohibited policy: SHB 777
- Insurance, chemical dependency to be covered: HB 1228, SB 5070, SSB 5070
- Insurance, managed health care system: \*2SHB 477, CH 5 E1 (1987), SB 5357
- Insurance, pool created: \*SHB 99, CH 431 (1987)
- Insurance, state employees have the right to choose: SB 5934

**HEALTH CARE—cont.**

- Insurance, state employees, out-of-state drug providers prohibited: SB 5889
- Insurance, state employees, peer review committee: SB 5934
- Managed health care system, health care access: \*2SHB 477, CH 5 E1 (1987), SB 5357
- Medicare, other federal medical programs, consumer protection provisions: SB 5781
- New agency created out of DOE and part of DSHS, department of public health and environment: SB 5377, SSB 5377
- Omnibus registration act for health care professionals, consumer protection: SB 5752
- Optometry to be covered by health care insurance: SB 6029
- Payment checks to be made out to provider: SB 5539
- Peer review boards, liability limited: \*SB 5972, CH 269 (1987)
- Prenatal care program provided: 2SHB 477, SB 5452, SSB 5452, 2SSB 5452
- Promoting Washington health services and products: SB 6063
- Regional health councils to monitor new financing and delivery systems: SB 6021
- Smoking in the workplace regulated: SHB 13
- Smoking pollution control act, if nonsmokers cannot be accommodated then smoking is prohibited: SHB 13, SB 5399
- Smoking, state agencies, no smoking if a satisfactory accommodation between smokers and nonsmokers cannot be reached: SSB 5399
- State and public employees insurance laws revised: SB 5151
- State employees, right to choose: SB 5934
- Surgical assistants, insurance coverage for services: SB 5250
- Tax on services to fund access to health care: SB 5357
- Wellness program established for state employees: \*SB 5217, CH 248 (1987)

**HEALTH CARE FACILITIES AUTHORITY**

- Ludwig Lobe, reappointed member,  
GA 9115, confirmed ..... pp. 972, 2069, 2452

**HEALTH MAINTENANCE ORGANIZATIONS**

- Insurance fees assessed against, revisions: SB 5466, \*SSB 5466, CH 83 (1987)

**HEALTH STUDIOS**

- Membership sales regulated: SB 5838, \*SSB 5838, CH 317 (1987)

**HEARSAY**

- Defining nonhearsay statements: SB 5066

**HEATING**

- Alternative energy systems, district heating: \*SHB 425, CH 522 (1987), SB 5425, SSB 5425
- District heating systems, revisions: \*SHB 425, CH 522 (1987), SB 5425, SSB 5425
- Electricians, specialty license for heating, ventilation, and air conditioning: SB 6049
- Public utility billing errors, customer liability limited: SB 5037, SSB 5572
- Termination of utility service, revisions: \*HB 992, CH 356 (1987)
- Weatherization of low-income residences: SB 5014, \*SSB 5014, CH 36 (1987)
- Wood stoves regulated: \*2SHB 16, CH 405 (1987), SB 5315, SSB 5315

**HEIRLOOM BIRTH CERTIFICATES**

- Childrens trust fund established, cost-neutral revenue system to fund prevention programs: \*SHB 506, CH 351 (1987)

**HENNING, JAMES T.**

- Member, transportation commission,  
GA 9148 ..... p. 2706

**HENRIE, MARY**

- Reappointed trustee, Wenatchee Valley community college  
district no. 15, GA 9060, confirmed ..... pp. 36, 932, 2047

**HEPATITIS, ETC.**

Notification of death from an infectious or communicable disease: HB 814

**HEROIC MEASURES**

Natural death act, revisions: SB 5401, SSB 5401

**HESS, ANDREW S.**

Member, higher education coordinating board,  
GA 9059, confirmed ..... pp. 35, 1502, 2045

**HETEROSEXUALS (See also AIDS)**

Discrimination prohibited: SB 5736, SSB 5736

**HIGHER EDUCATION COORDINATING BOARD**

Andrew S. Hess, member, GA 9059, confirmed ..... pp. 35, 1502, 2045

H. Jon Runstad, member, GA 9014, confirmed ..... pp. 27, 1501, 1809

Vivian Winston, reappointed member, GA 9141 ..... p. 2705

Contracts with independent colleges for instructional services: SB 5430

Day care, survey of available day care to be made: SSB 5871, \*2SSB 5871, CH 287  
(1987)

Displaced homemaker advisory committee to be established: SB 5253, \*SSB 5253,  
CH 230 (1987)

Displaced homemaker program, operating budget: \*SHB 1221, CH 7 E1 (1987)

Distinguished professorship trust fund, operating budget: \*SHB 1221, CH 7 E1  
(1987)

Distinguished professorship trust fund program established, matching funds:  
\*2SHB 339, CH 8 (1987), SB 5474

Graduate fellowship trust fund established: \*2SHB 257, CH 147 (1987)

Graduate fellowship trust fund program: SB 5660

Idaho, tuition and fee reciprocity contingent on Idaho's income tax treatment of  
Washington residents: SB 5821

Low-income single parents, financial aid, operating budget: \*SHB 1221, CH 7 E1  
(1987)

Scholarship program for low-income working persons and single heads of  
household, public and private cooperation: \*HB 1021, CH 305 (1987), SB 5461

Teacher certification, discuss other states' methods, reciprocity: \*SB 5433, CH 40  
(1987)

Teacher preparation, professional teacher preparation degree program, princi-  
pal preparation programs: SB 5630

Teachers conditional scholarship program, operating budget: \*SHB 1221, CH 7 E1  
(1987)

Teachers, loan program for prospective teachers and teachers getting more  
endorsements: SB 5937

Telecommunications network: SB 5977, \*SSB 5977, CH 279 (1987)

Tuition and fees, reciprocal programs, continuing: \*SHB 1097, CH 446 (1987), SB  
5821

Vocational duties to new office, educational services office: SB 5468

Washington fund for excellence in higher education program, grants to encour-  
age improvements: SB 5475

**HIGHER EDUCATION FACILITIES AUTHORITY**

Harry E. Morgan, Jr., reappointed member,  
GA 9027, confirmed ..... pp. 30, 1501, 1839

Delores Teutsch, reappointed member, GA 9121, ..... p. 1697

**HIGHER EDUCATION PERSONNEL BOARD**

Grace Chien, member, GA 9085, confirmed ..... pp. 117, 1502, 2356

Robert Richardson, member, GA 9154 ..... p. 2707

Day care for University of Washington employees: SB 5682, SSB 5682

Operating budget: \*SHB 1221, CH 7 E1 (1987)

**HIGHLINE COMMUNITY COLLEGE DISTRICT NO. 9**

John Kniskern, trustee, GA 9110, confirmed ..... pp. 565, 1503, 2449



**HISPANIC AFFAIRS COMMISSION**

Mexican-American affairs commission name changed: \*SSB 5191, CH 249 (1987)  
 Operating budget: \*SHB 1221, CH 7 E1 (1987)

**HISTORIC PRESERVATION**

Aquatic lands, state-owned, historic preservation is a priority: SB 5075, SSB 5075  
 Capital budget: \*SHB 327, CH 6 E1 (1987)  
 DCD authorized to acquire, rehabilitate, and sell: SB 5639  
 Endangered landmarks preservation, DCD: SSB 5639  
 Heritage revolving fund established: SB 5639  
 Nonprofit historic preservation corporation: \*SB 5747, CH 341 (1987)  
 Small town historical records, matching funds for the protection and preservation: SB 5395

**HOBBS, DONALD V.**

Member, state board of pharmacy, GA 9129 ..... p. 2629

**HODGE, MINH-ANH T.**

Reappointed trustee, Columbia Basin community college  
 district no. 19, GA 9063, confirmed ..... pp. 36, 933, 2048

**HOLIDAYS**

One additional holiday for state employees: SSB 5287  
 Two additional holidays for state employees: SB 5287

**HOMCHICK, SHEILA A.**

Member Juvenile disposition standards commission,  
 GA 9125 ..... p. 2628

**HOME HEALTH CARE**

Certificate of need: SB 5886, SSB 5886  
 Licensing: SB 5404, SSB 5404

**HOME RULE CHARTERS**

Procedures for the adoption of home rule charters: SHJR 4210

**HOMELESS**

Housing trust fund money: 2SHB 164  
 Low-income housing, lower property tax on buildings used for low-income housing: SB 5321

**HOMESTEADS**

Foreclosure, fair value, upset price provisions deleted: SB 5500  
 Homestead exemption and the award in lieu increased: SB 5531  
 Judgments, enforcement revised: \*SHB 927, CH 442 (1987)

**HOMICIDE**

Child abuse: SB 5089, \*SSB 5089, CH 187 (1987)  
 Controlled substances homicide, class B felony: \*HB 1228, CH 458 (1987), SB 5070,  
 SSB 5070, SB 5362  
 Juveniles, adult jurisdiction: SB 5661

**HOMOSEXUALS (See also AIDS)**

Discrimination prohibited: SB 5736, SSB 5736  
 Insurance discrimination prohibited: SB 5773

**HOOD CANAL**

Bottom trawling gear unlawful in Hood Canal and Puget Sound: SB 5422  
 Bottomfish, commercial net fishing prohibited: SB 5323

**HOPS**

B & O tax exemption for hops shipped out of state: SB 6033, \*SSB 6033, CH 495  
 (1987)

**HORIZONTAL PROPERTY REGIMES**

Revisions to plans that must be filed: SB 5825, \*SSB 5825, CH 383 (1987)  
 Statutory committee to reform law: SB 5825, \*SSB 5825, CH 383 (1987)

**HORSE RACING COMMISSION**

Legislative members, ex officio nonvoting members: \*HB 831, CH 453 (1987)  
 Membership increased to 5, legislative members appointed ex officio: SHB 177  
 Operating budget: \*SHB 1221, CH 7 E1 (1987)  
 Parimutuel wagering, satellite extensions: \*SHB 984, CH 347 (1987)  
 Probability must be fully disclosed: SB 5352  
 Retained percentage increased for certain races: \*HB 831, CH 453 (1987), SB 5749

**HORSES**

Abuse, penalties increased, remedies: SB 5177  
 Abused animals, disposition and care provided for: SB 5304  
 Cruelty to animals, person caring for animal has a lien: \*SB 5976, CH 233 (1987)  
 Livestock liens, possession of livestock until lien expires, 60 days: \*SB 5976, CH 233 (1987)  
 Running at large, control within 12 hours: SB 5117

**HOSPICE CARE**

Certificate of need: SB 5886, SSB 5886  
 Licensing: SB 5404, SSB 5404

**HOSPITAL COMMISSION**

H. A. "Barney" Goltz, chair,  
 GA 9116, confirmed ..... pp. 972, 2069, 2231  
 Joseph E. Hunt, reappointed member,  
 GA 9052, confirmed ..... pp. 34, 2068, 2412  
 Judith A. Klayman, reappointed member,  
 GA 9051, confirmed ..... pp. 34, 2068, 2412  
 Dr. Robert Shanewise, member,  
 GA 9011, confirmed ..... pp. 27, 2067, 2404  
 Operating budget: \*SHB 1221, CH 7 E1 (1987)

**HOSPITAL DISTRICTS**

Ballot proposition to maintain tax or increase tax: \*SHB 298, CH 138 (1987)  
 Superintendents, one per hospital allowed: \*SB 5204, CH 58 (1987)  
 Withdrawal of area authorized: \*SHB 298, CH 138 (1987)

**HOSPITALS**

Certificate of need, bed capacity change: SB 5886  
 Certificate of need exemption for public hospital districts and rural hospitals: SB 6007  
 Certificate of need, PET, BEAM, LINAC, ESWL, MRI, etc.: SB 5886  
 Certificate of need program revised, home health and hospice agencies: SB 5886, SSB 5886  
 Certificate of need review process modified, major exemptions: SB 5496  
 Certificate of need, tertiary service: SB 5886, SSB 5886  
 Consent for health care, priorities as to who may consent for another: \*SHB 763, CH 162 (1987)  
 Hospital beds, excess to be used for nursing home care, Congress petitioned: SJM 8007  
 Immunity for directors of hospitals: SB 6048, \*SSB 6048, CH 212 (1987)  
 Insurance policy of at least 3 day hospital stay for coverage is prohibited: SHB 777  
 Natural death act, revisions: SB 5401, SSB 5401  
 Physicians, limited license to practice to visiting teachers, researchers, or fellowship holders: \*HB 699, CH 129 (1987)  
 Rates, moratorium on rate regulation: SB 5887  
 Rates, public districts and rural hospitals exempt from hospital commission approval power: SB 5940  
 Rural hospitals, certificate of need exemption for public hospital districts and rural hospitals: SB 6007  
 Rural hospitals, exempt from hospital commission approval power: SB 5940  
 Rural hospitals, moratorium on rate regulation: SSB 5887

**HOT TUBS**

Revisions: \*SHB 259, CH 222 (1987), SB 5230, SSB 5230

**HOTEL/MOTEL**

Class M liquor license for motels: SB 5947

Theft of services, attorney fees, costs, etc.: \*SHB 601, CH 353 (1987)

**HOTEL/MOTEL TAX (See also SPORTS)**

Bonds issuance date modified: SB 6064

County-option tax, use of bonds in class AA counties, other than AA, revenue may be used for agricultural promotion: \*SSB 6064, CH 483 (1987)

Distressed areas, tax not to exceed 5%, tourism: SB 6056

Pierce county: \*SSB 6064, CH 483 (1987)

**HOTLINES**

Injured wildlife, game commission to contract with veterinarians, toll-free hotline: SB 5039

**HOUSEBOATS**

Houseboat water account created: SB 5005

**HOUSING**

Funding provided via real estate broker accounts: \*2SHB 164, CH 513 (1987)

Homeless, housing trust fund money authorized: 2SHB 164

Housing trust fund provisions, revising: SB 5769

Local housing authorities, deactivation or abolition, procedures: \*SB 5564, CH 275 (1987)

Lottery moneys, housing trust fund: \*2SHB 164, CH 513 (1987)

Lottery, unclaimed prizes into the housing trust fund: SSB 5295

Low-income housing assistance advisory committee created: \*2SHB 164, CH 513 (1987)

Low-income housing, current use valuation: SJR 8210

Low-income housing owned by public corporations is exempt from excise tax: \*HB 1137, CH 282 (1987)

Low-income, lower property tax on buildings used for low-income housing: SB 5321

Mobile home park purchase fund established: \*SHB 995, CH 482 (1987), SB 5766

New construction, placement on assessment rolls within 12 instead of 6 months: \*HB 671, CH 134 (1987)

Real estate transaction trust funds, interest for low-income housing and real estate research: SB 5848, SSB 5848

State-wide housing need study, operating budget: \*SHB 1221, CH 7 E1 (1987)

Unfit premises, regulated, premises or portions, monitor deterioration for possible demolition: SHB 439

**HOUSING FINANCE COMMISSION**

David Ballaine, reappointed member, GA 9173 ..... p. 2710

Nanci C. Primley, reappointed member, GA 9163 ..... p. 2709

Charles Richmond, reappointed member, GA 9161 ..... p. 2708

Anne H. Rose, reappointed member, GA 9160 ..... p. 2708

John A. Steffens, member, GA 9159 ..... p. 2708

**HOUSING TRUST FUND**

Capital budget: \*SHB 327, CH 6 E1 (1987)

**HOV LANES**

Restrictions limited, unrestricted use on weekends, holidays, and nonpeak hours: SB 6025

**HOYPUS POINT TRUST PROPERTY**

DNR lands, certain transferred to the parks and recreation commission: SHB 550, \*SSB 5439, CH 466 (1987)

**HUCKLEBERRY ISLAND TRUST PROPERTY**

DNR lands, certain transferred to the parks and recreation commission: SHB 550,  
\*SSB 5439, CH 466 (1987)

**HUMAN RIGHTS COMMISSION**

Jan Kumasaka, member, GA 9150 . . . . . p. 2706  
John D. Sweesy, member, GA 9036, confirmed . . . . . pp. 31, 412, 493  
Affirmative action plans by state contractors: SB 5459, SSB 5459  
Attorney general to report yearly on affirmative action goals and timetables:  
\*SHB 1221, CH 7 E1 (1987)  
Operating budget: \*SHB 1221, CH 7 E1 (1987)  
Unfair employment criteria, may not withhold or terminate employment based  
on known or suspected personal habits of the employee: SB 5789

**HUNT, JOSEPH E.**

Reappointed member, hospital commission,  
GA 9052, confirmed . . . . . pp. 34, 2068, 2412

**HUNT, ROBERT E.**

Reappointed trustee, Tacoma community college district no. 22,  
GA 9089, confirmed . . . . . pp. 146, 935, 2408

**HUNTING (See also GAME, DEPARTMENT OF)**

Crossbows, hunting with crossbows prohibited: SB 5157, SSB 5157  
Duck stamp, age requirement clarified: HB 112  
Free hunting and fishing licenses for disabled veterans: SB 5653  
Handguns may be carried while hunting: SB 5157, SSB 5157  
Interference with hunting illegal: SB 5185  
License purchase with intent to reduce permit pool illegal: SB 5185  
Luring game away from a hunter is illegal: SB 5185  
Trophy hunting of post-mature males from special herds: \*2SHB 758, CH 506  
(1987)  
Waterfowl blinds, unlawful to vandalize: SB 5185

**HYDRAULIC PERMITS**

Agriculture, prohibiting restrictions or denial of stream or riverbank stability  
project: SB 6024

**HYDROELECTRIC DEVELOPMENTS**

Comprehensive study by TESC institute for public policy, operating budget: \*SHB  
1221, CH 7 E1 (1987)  
Parks, prohibited without legislative approval: SB 5275, SSB 5275  
Study to assess state responsibility for siting, etc.: SB 6036, SSB 6036

**IDAHO**

College tuition and fee reciprocity: \*SHB 1097, CH 446 (1987), SB 5821  
College tuition and fee reciprocity, contingent on Idaho's income tax treatment of  
Washington residents: SB 5821  
Income tax exemption for nonresident common carrier employees: SJM 8013,  
SSJM 8013  
Residents of Idaho working in bordering Washington counties to pay excise tax:  
SB 5956

**IGNITION INTERLOCK SYSTEMS**

Interlocks required on certain alcohol offender cars: \*HB 663, CH 247 (1987)

**IMMUNITY**

Conservation district members and employees, liability limited: SB 5713, SSB 5713  
Cooperative association directors: SB 5827  
Corporate and cooperative directors, revisions: SB 6048, \*SSB 6048, CH 212 (1987)  
Corporations, personal liability of directors limited: SB 5102  
County coroner or medical examiner is granted immunity for death investiga-  
tions: \*HB 590, CH 263 (1987)  
Elected and appointed officials, revisions: SB 6048, \*SSB 6048, CH 212 (1987)

**IMMUNITY—cont.**

- Emergency medical care, first responders: SB 5262, \*SSB 6048, CH 212 (1987)
- Emergency services, compensation redefined: SB 5268
- Government officials are not liable for discretionary decisions: SB 5262
- Hazardous materials incidents, immunity for responders: \*SHB 154, CH 238 (1987)
- Insurance, reports and other information filed: SHB 140, SB 5196, \*SSB 5196, CH 51 (1987)
- Long-term care ombudsman: SB 5270
- Mental health patients, release by public institution: SB 5262, \*SSB 6048, CH 212 (1987)
- National guard, acts done while training or during duty: SB 5262
- Nonprofit corporations, director liability limited: SB 5141
- Peer review boards, liability limited: \*SB 5972, CH 269 (1987)
- Protection given to employees reporting improper activity to legislators: SB 5031, SSB 5031
- Sports, nonprofit sports program, immunity for services without compensation: SB 5262
- Volunteer fire fighters, DNR liability limited: SB 5311, SSB 5311
- Volunteer firemen, policemen, and emergency medical technicians, revisions: SB 6048, \*SSB 6048, CH 212 (1987)
- Weed control board members immune from liability for acts within scope of duties: SB 5021
- Workers, third-party contractors: SB 5262, \*SSB 6048, CH 212 (1987)

**IMPACT**

- Advisory board created: SB 5746
- IMPACT center to ensure accessibility and practical application to agriculture products industry: SB 5746

**IMPAIRED PHYSICIAN PROGRAM**

- Implementation: SB 5857, \*SSB 5857, CH 416 (1987)

**IMPLIED CONSENT**

- Revisions: \*HB 295, CH 22 (1987)

**IMPOUNDMENT**

- Damages and costs awards for invalid vehicle impoundment: HB 883
- Motor vehicles, procedures revised: SB 5124, \*SSB 5124, CH 311 (1987)
- Parking lots, prohibiting impoundment from parking lots: SB 5363

**INCINERATION FACILITIES**

- Hazardous wastes, state preemption limited to future facilities: SB 5043
- Residues are classified as special: SB 5570, \*SSB 5570, CH 528 (1987)
- Solid waste landfills to be used only for materials that are unsuitable for incineration and for ash: SHB 509
- Unincorporated areas, conditional use permits: SHB 1053

**INCOME TAX**

- Idaho requested to exempt nonresident common carriers employees from income tax: SJM 8013, SSJM 8013
- Idaho, tuition and fee reciprocity contingent on Idaho's income tax treatment of Washington residents: SB 5821
- Limited income tax authorized, personal and corporate: SJR 8204
- Personal and corporate income tax imposed: SB 5023
- State employees dependent care plan, salary reduction: \*SHB 844, CH 475 (1987)
- Temporary personal income tax: SB 5534

**INCORPORATED BILLS**

- Adult family homes, SB 5200, SB 5272: SSB 5293
- Agency rules, rules review committee, SB 5057, SB 5058: SSB 5058
- Common school local enhancement and accountability act, SB 5728: SSB 5476
- Drop-out programs, SB 5623: SSB 5476
- Investment opportunities office, SB 5589: SSB 5665

**INCORPORATED BILLS—cont.**

- Local education enhancement and accountability act, SB 5840: SSB 5476  
 Mentor teacher pilot program renamed master teacher program, SB 5727: SSB 5622  
 Natural resource conservation areas, SB 5322: SSB 5911  
 Parents as first teachers program, SB 5316: SSB 5476  
 Project even start, SB 5629: SSB 5476  
 Real estate transaction tax, SB 5276: SSB 5911  
 Small business loan program, SB 5588: SSB 5665  
 Teacher certification redone, masters degree, SB 5630: SSB 5479  
 Teacher preparation, professional teacher preparation degree program, principal preparation program, SB 5630: SSB 5479  
 Youth substance abuse awareness program, SB 5628: SSB 5476

**INCUBATOR PROJECTS**

- Small business incubator projects, assistance for funding: 2SSB 5398, SB 5665, SSB 5665, 2SSB 5665

**INDECENT EXPOSURE**

- Terms redefined: \*SB 6012, CH 277 (1987)

**INDETERMINATE SENTENCING REVIEW BOARD**

- Kaye Adkins, member, GA 9096, confirmed ..... pp. 170, 2068, 2409  
 Kathryn S. Bail, chair, GA 9029, confirmed ..... pp. 30, 2067, 2404  
 David L. Carlson, member,  
 GA 9071, confirmed ..... pp. 38, 114, 2068, 2413  
 Phyllis G. Kenney, member, GA 9039, ..... p. 32  
 Phyllis G. Kenney, GA 9039 withdrawn ..... p. 161  
 Robert E. Trimble, member, GA 9107, confirmed ..... pp. 514, 2068, 2445  
 Douglas D. Walsh, member, GA 9035, confirmed ..... pp. 31, 2067, 2404

**INDIA**

- Consul General K. K. S. Rana introduced,  
 addressed senate and presented gift to president ..... p. 937

**INDIAN AFFAIRS, GOVERNOR'S OFFICE**

- Operating budget: \*SHB 1221, CH 7 E1 (1987)

**INDIANS**

- Children, placement, revisions: \*2SHB 480, CH 170 (1987), SB 5540, SSB 5540  
 Land claims, right of action against state: SB 5974  
 Salmon fishing, persons fishing both Indian and non-Indian fisheries regulated:  
 SB 5050  
 Shellfish claims, mediation process: SB 5158, SSB 5158  
 Tideland claims, operating budget: \*SHB 1221, CH 7 E1 (1987)  
 Tideland ownership claims, DCD to study impact of claims on employment,  
 investment, and tax revenue: SSB 5973  
 Tideland ownership claims, reinsurance of titles: SB 5973, SSB 5973

**INDUSTRIAL ARTS**

- SPI, industrial arts service areas: SB 5615

**INDUSTRIAL DEVELOPMENT AUTHORITIES**

- Port district mortgage authority: SB 6023, \*SSB 6023, CH 289 (1987)

**INDUSTRIAL DEVELOPMENT CORPORATIONS**

- DCD authorized to contract with 5 for management assistance: SB 5398  
 DTED may contract with 5 corporations to provide management assistance: SSB 5398, 2SSB 5398  
 First source contracts through the department of employment security: SB 5398, SSB 5398, 2SSB 5398  
 Major revisions designed to help new and small businesses: HB 1124, SB 5398, SSB 5398, 2SSB 5398  
 Renamed business and industrial development corporations: 2SSB 5398

**INDUSTRIAL INCENTIVE ZONES**

Industrial incentive zone act: SB 5743

**INDUSTRIAL INSURANCE APPEALS BOARD**

Phillip T. Bork, reappointed member, GA 9130 ..... p. 2703  
 Sara T. Harmon, Chair, GA 9133 ..... p. 2703  
 Operating budget: \*SHB 1221, CH 7 E1 (1987)

**INDUSTRIAL INSURANCE (See WORKERS' COMPENSATION)****INFECTIOUS DISEASES**

Notification of death from an infectious or communicable disease: HB 814  
 Reporting procedures, confidential: SHB 1043

**INFORMATION TECHNOLOGY**

Department created: SB 5555, SSB 5555  
 Department of information services created: \*SSB 5555, CH 504 (1987)

**INGRAHM HIGH SCHOOL**

Academic decathlon state champions introduced ..... p. 890  
 Jennifer Spain, member, introduced and addressed Senate ..... p. 890

**INGREDIENTS, COMPONENTS**

B & O tax, primary purpose test established: SB 5237

**INITIATIVE AND REFERENDUM**

Cities' powers specified: HB 959  
 Filing for initiatives, time specified: \*SHB 188, CH 161 (1987)  
 Medicare violations, consumer protection: INT 92  
 Money, challenging the authority of the federal government, referendum 41: \*SB  
 5444, CH 246 (1987)

**INSTITUTIONS**

Corrections, may enter into purchasing contracts for health care programs: \*SB  
 5161, CH 70 (1987), SB 5499  
 Mentally retarded, reimbursement of nursing homes that contract with DSHS: SHB  
 970  
 Retirement, early retirement of employees of state-operated institutions provided  
 for: SB 5745  
 Veterans' facilities, assault of employees, reimbursement: SB 5288, \*SSB 5288, CH  
 102 (1987)  
 Veterans' institutions, may enter into purchasing contracts for health care pro-  
 grams: \*SB 5161, CH 70 (1987), SB 5499

**INSULATION**

Mineral wool product insulation inspectors, certifying: SB 5691, SSB 5691

**INSURANCE**

AIDS discrimination prohibited: SB 5773  
 Annual statement convention blank must be filed: \*HB 31, CH 132 (1987)  
 Banks, sale of insurance on bank premises prohibited: SB 5192  
 Cancellation, changing provisions regarding unearned insurance premiums,  
 interest assessed: SB 5446, SB 5447  
 Cancellation, must occur within 60 days of effective date, 20 days notice  
 required: SSB 5447  
 Cancellation, notice to be sent to agent or broker: SB 5849, \*SSB 5849, CH 14  
 (1987)  
 Cancellation or nonrenewal requirements, surety bonds exempted: HB 64  
 Cancellations and nonrenewals, restrictions: SHB 281  
 Chemical dependency, health care contracts to cover: HB 1228, SB 5070, SSB 5070  
 Claims, notice to insured required of impending settlements: SB 5547  
 Commissions, tax on commissions, how determined: SB 5557  
 Consumer board: SB 5875

**INSURANCE—cont.**

- Contractors may provide assigned account or security to meet requirements: \*SB 5882, CH 303 (1987)
- Convention blank, annual statement convention blank must be filed: \*HB 31, CH 132 (1987)
- Conversion of group term insurance to be allowed: HB 854
- Credit insurance, provisions revised: \*SHB 147, CH 130 (1987)
- Disability, riders, use limited: SB 5046, \*SSB 5046, CH 37 (1987)
- Discrimination based on race, creed, color, national origin, or age prohibited: HB 1099
- Driving records abstract fee increased: SHB 638
- Excess insurance, feasibility study: SB 6048, \*SSB 6048, CH 212 (1987)
- Excess insurance for political subdivisions: SB 5262
- Group term insurance, conversion allowed: HB 854
- Health care access act of 1987: \*2SHB 477, CH 5 E1 (1987), SB 5357
- Health care coverage for chemical dependency: HB 1228, SB 5070, SSB 5070
- Health care, insurance coverage for surgical assistants' services: SB 5250
- Health care insurance pool created: \*SHB 99, CH 431 (1987)
- Health care insurance to cover optometry: SB 6029
- Health care, state employees have the right to choose: SB 5934
- Health care, state employees, out-of-state drug providers prohibited: SB 5889
- Health care, state employees, peer review committee: SB 5934
- Health care, tax on services to fund access to health care: SB 5357
- Health, riders, use limited: SB 5046, \*SSB 5046, CH 37 (1987)
- Hospital stay of 3 days for insurance to be operative is prohibited policy: SHB 777
- Immunity relating to reporting and other information filed: SHB 140, SB 5196, \*SSB 5196, CH 51 (1987)
- Information and privacy protection act: SB 5777
- Insurance, managed health care system, health care access: \*2SHB 477, CH 5 E1 (1987), SB 5357
- License revisions: SB 5195
- Model insurance information and privacy protection act: SB 5777
- Motor vehicle, financial responsibility mandatory, insurance, bond, certificate of deposit, or self-insurance: SB 5516
- Motor vehicle insurance mandatory, or a bond or security: SB 5361
- Motor vehicle insurance or bond required: SB 5115, SSB 5115, SB 5118
- Motor vehicle insurance rate increased based on abstract prohibited unless party at fault: SSB 5114, \*SSB 5850, CH 397 (1987)
- Motor vehicle, insurers writing collision and comprehensive policies must also offer financing coverage: \*HB 310, CH 240 (1987)
- Motor vehicle policies covering comprehensive and collision to also cover liability: SHB 240
- Motor vehicle rate reduction if auto has an anti-theft device: SB 5116
- Motor vehicle service contracts regulated: \*SSB 5779, CH 99 (1987)
- Motor vehicle, underinsured coverage, exception to coverage modified: SB 6034
- Motor vehicle, underinsured coverage strengthened: SHB 402, SB 5855
- Motor vehicles, energy resource violations excluded from insurance abstracts: SB 5850
- Motor vehicles, financial responsibility amounts increased: SHB 868
- Motor vehicles, operation of vehicle without insurance, traffic infraction: SHB 1175
- Motor vehicles, policies required to provide personal injury protection benefits: SHB 511
- Motor vehicles, policy inclusions set forth, mandatory insurance: SB 5361
- Motor vehicles, premium reductions for vehicles using running lights: \*SHB 920, CH 320 (1987)
- Motor vehicles, rates based on anti-theft devices: \*SHB 920, CH 320 (1987)
- Motor vehicles, senior citizen premiums reduced via education courses, revisions: \*HB 985, CH 377 (1987)



**INSURANCE—cont.**

- Motor vehicles, vehicle mechanical breakdown insurers, regulating: SB 5779, \*SSB 5779, CH 99 (1987)
- Optometry to be covered by health care insurance: SB 6029
- Port district commissioners, life insurance coverage authorized: \*SB 5146, CH 50 (1987)
- Premium tax for traffic safety programs: SB 5843
- Premiums, requiring repayment of unearned insurance premiums: SB 5446, SB 5447
- Rates, file loss experience information with rates: SB 5704, SSB 5704
- Rates, loss experience to be reported when filing casualty rates and rating schedules: SB 5705
- Retirement care communities, regulating: SB 5854, SSB 5854
- Riders for health and disability insurance, use limited: SB 5046, \*SSB 5046, CH 37 (1987)
- Risk retention groups, formation and operation regulated: \*HB 379, CH 306 (1987)
- Sale of insurance on bank premises prohibited: SB 5192
- Seat belts, insurance rates based on safety belts and passive restraint usage: SB 5113, \*SSB 5113, CH 310 (1987)
- Settlements, notice to insured required of impending settlements: SB 5547
- State and public employees insurance laws revised: SB 5151
- State insurance fund for property and casualty insurance for state and public property: SB 5829
- Surety bonds exempted from cancellation or nonrenewal requirements: HB 64
- Surgical assistants, insurance coverage for services: SB 5250
- Traffic safety programs funded through tax on insurance premiums: SB 5843
- Unfair or deceptive acts or practices, specified, remedies: SB 5507, SSB 5507
- Washington essential property insurance inspection and placement program: \*HB 51, CH 128 (1987)

**INSURANCE COMMISSIONER**

- Gubernatorial appointment of office: SJR 8200
- Operating budget: \*SHB 1221, CH 7 E1 (1987)
- Term of office, date of commencement revised: SB 5011

**INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

- Anne Cox, reappointed chair,
  - GA 9118, confirmed ..... pp. 1309, 2407, 2454
- Joe C. Jones, member,
  - GA 9005, confirmed ..... pp. 26, 2407, 2445
- Ralph Mackey, reappointed member, GA 9120 ..... p. 1310
- Jeanie E. Marsden, member,
  - GA 9004, confirmed ..... pp. 25, 409, 449
- Dr. Eliot W. Schull, member, GA 9030 ..... p. 30
- Capital budget: \*SHB 327, CH 6 E1 (1987)
- Comprehensive guide of recreation trails, operating budget: \*SHB 1221, CH 7 E1 (1987)
- Department of state resources created: SB 5027
- Extending: \*SB 5035, CH 425 (1987)
- Operating budget: \*SHB 1221, CH 7 E1 (1987)

**INTEREST RATES**

- Motor vehicle purchases, service charge on retail installment sales limited: SHB 366
- Motor vehicles, retail installment sales, interest rate, charges revised: \*SB 5948, CH 318 (1987)

**INTERNATIONAL EDUCATION**

- Latin America emphasis: \*SHB 1221, CH 7 E1 (1987)
- Model curriculum to be developed, grant program, advisory committee to assist SPI: \*SB 5463, CH 349 (1987)

**INTERNATIONAL EXCHANGE PROGRAM**

International student exchange program for community colleges: \*SB 5197, CH 12 (1987)

**INTERNATIONAL TRADE**

Capital projects office established within DTED to assist businesses in international competition: SB 5832  
State guidelines established: HB 1162

**INTERSTATE AGREEMENTS**

Columbia river, compact between Oregon and Washington entered into: SB 5472  
Columbia River Gorge interstate compact, commission established: \*2SHB 426, CH 499 (1987), SB 5472  
Transportation of radioactive materials: \*SB 5164, CH 90 (1987)

**INTERSTATE BANKING**

Acquisition of in-state banks by out-of-state banks, authority delayed: SB 5108

**INTERSTATE HIGHWAY SYSTEM**

Surface transportation assistance act, Congress asked to enact: \*HJM 4000 (1987)

**INVESTMENTS**

B & O tax extended to investment activities: SB 6070  
Indian tideland and river bed claims, DCD to study impact of claims on employment, investment, and tax revenues: SSB 5973  
Investment opportunities office: 2SSB 5398, SB 5589  
Land bank, state investment board may invest in: SB 5174, \*SSB 5174, CH 29 (1987)  
Public funds, authorized investments increased: SHB 651  
Public funds, investment revisions: SHB 1129  
Public land permanent funds, investment authorized: \*SJR 8212 (1987)

**INVOLUNTARY COMMITMENT**

Procedures revised: SB 5074, SSB 5074, \*2SSB 5074, CH 439 (1987)

**IRON HORSE STATE PARK**

DNR lands, certain transferred to the parks and recreation commission: SHB 550, \*SSB 5439, CH 466 (1987)

**IRP**

Procedures for proportional vehicle registration revised: \*SB 5605, CH 244 (1987)

**IRRIGATION DISTRICTS**

Coordinating agency for the association of irrigation districts changed: \*HB 75, CH 124 (1987)  
Delinquency lists: SHB 980, SB 5847  
Director bond amount increased: SHB 980  
Funds, person handling to have bond: SHB 980  
Polling places, house, place, or district office: SB 5176, SSB 5176  
Precinct polling places, irrigation district business office ok: \*HB 68, CH 123 (1987)  
Revolving fund, payments, audits, revisions: SHB 980

**ISAAK, BRENDA R.**

Washington state wheat queen introduced  
and addressed Senate ..... p. 309

**ISRAEL**

Counsel General Yaacov Sella, introduced  
and addressed senate ..... p. 566

**ISSAQUAH**

Cedar Hills landfill, phasing out: SB 5068

**JAILS**

Assault of staff is a class C felony: SB 5824, \*SSB 5824, CH 188 (1987)  
Collective bargaining for jail and radio dispatch personnel: SB 6022

**JAILS—cont.**

- Corrections standards board duties transferred to OFM and DSHS: \*SHB 738, CH 462 (1987)
- Medical care eligibility of city and county inmates under the limited casualty program: SB 5753

**JAPANESE CONSULATE**

- Consul Hiroyuki Ariyoshi introduced and addressed senate . . . . . p. 2400

**JOHN WAYNE TRAIL (See MILWAUKEE ROAD)****JOHNSON, FRANCES**

- Washington state small business person of the year introduced and addressed senate . . . . . p. 708

**JOHNSON, INEZ P.**

- Trustee, Whatcom community college district no. 21, GA 9081, confirmed . . . . . pp. 40, 934, 2356

**JOHNSON, JULIE A.**

- Trustee, Peninsula community college district no. 1, GA 9075, confirmed . . . . . pp. 38, 934, 2066

**JOHNSON, LINDA S.**

- Trustee, Shoreline community college district no. 7, GA 9087, confirmed . . . . . pp. 146, 934, 2408

**JOHNSON, SENATOR STANLEY C.**

- Appointed member human services and corrections and transportation committees . . . . . p. 24
- Appointed interim member joint committee on pension policy, joint administrative rules review committee and legislative transportation committee . . . pp. 2647, 2648

**JOHNSON, SUSAN M.**

- Trustee, Shoreline community college district no. 7, GA 9093, confirmed . . . . . pp. 147, 935, 2250

**JOINT AND SEVERAL LIABILITY**

- Revisions: SB 5317

**JOINT MEMORIALS**

- Appliance energy conservation code, adoption urged: SJM 8002, SSJM 8002
- Arctic national wildlife refuge coastal plain, request that the area be opened to exploitation: SJM 8015
- Balanced federal budget urged: SJM 8004
- BPA, prohibited sale: \*SJM 8005 (1987)
- BPA rate increase, ask congress to deny: SJM 8001, SSJM 8001
- Campaign expenditure and contribution limits, requesting an amendment: HJM 4005
- Common carriers who cross state lines, tax revisions requested: SJM 8012, SSJM 8012
- Farm credit system, strengthening requested: \*SJM 8016 (1987)
- Federal fuel tax increased for deficit reduction, oppose efforts: \*HJM 4028 (1987)
- Financial aid, reject reductions: SJM 8009
- Financial aid, student's concerns conveyed about budget cuts: SJM 8014
- Hanford cleanup and disposal of radioactive wastes requested: \*SHJM 4023 (1987)
- Hospital beds, excess to be used for nursing home care, Congress petitioned: SJM 8007
- Idaho requested to exempt nonresident common carriers employees from income tax: SJM 8013, SSJM 8013
- Kern River pipeline, FERC approval requested: SJM 8011
- MIA's, asking Congress to discover location: SJM 8003

**JOINT MEMORIALS—cont.**

- Motor carrier safety act: \*SJM 8006 (1987)
- Oil spills, funding for a comprehensive program: \*SJM 8008 (1987)
- Spotted owl, review of Forest Service designation by Congress: \*SJM 8000 (1987)
- Surface transportation assistance act, Congress asked to enact: \*HJM 4000 (1987)
- Veterans' affairs medical center in Walla Walla, remain as a full service center: \*SJM 8017 (1987)
- Yakima firing center, expansion unwanted: SJM 8010

**JOINT OPERATING AGENCIES**

- Conservation as a source of electrical energy: \*HB 541, CH 376 (1987)
- Purchase and contracting authority: \*HB 541, CH 376 (1987)

**JOINT RESOLUTIONS**

- Congressional salaries: SJR 8214
- County boundaries, alteration, constitutional provisions modified: SJR 8203, SSJR 8203
- County home rule charters, procedures for the adoption of: SHJR 4210
- Fiscal responsibility, appropriations must match revenues, no mandated services without fund source: SJR 8217
- Fiscal responsibility, economic and fiscal forecast council: SJR 8217
- Governor's legislative powers modified regarding veto: SJR 8213
- Gubernatorial appointment of state treasurer, insurance commissioner, superintendent of public instruction, attorney general, and commissioner of public lands: SJR 8200
- Gubernatorial appointments, special one-day sessions: SJR 8201, SSJR 8201
- Judges pro tempore, revisions, retiring judge with discretionary rulings: \*SJR 8207 (1987)
- Legislative vacancies, joint offices, procedures for filling: SHJR 4204
- Legislature, lengthening terms: \*HJR 4212 (1987), SJR 8206
- Legislature, terms and number of legislators changed: SJR 8202
- Library districts, exempting \$.50 levy from the 1% ceiling: SB 5694, SJR 8209
- Limited income tax authorized, personal and corporate: SJR 8204
- Low-income housing, current use valuation: SJR 8210
- Public land permanent funds, investment authorized: \*SJR 8212 (1987)
- Reorganization of the executive branch: SJR 8211, SSJR 8211
- Schools, additional tax for school construction: \*HJR 4220 (1987)
- Spending limits imposed: SJR 8208
- State emergency reserve fund: SJR 8215
- Tax system, new system created: SJR 8205
- Taxes, 3/5th vote in both houses for constitutional amendments: SJR 8216

**JOINT SESSIONS**

- Governor Gardner, state of the state address ..... p. 53
- Memorial service ..... p. 372
- Washington state medal of merit winners recognized ..... p. 1176

**JONES, JOE C.**

- Member, interagency committee for outdoor recreation, GA 9005, confirmed ..... pp. 26, 2407, 2445

**JUDGES**

- Additional judges, evaluate using a weighted caseload analysis: \*SHB 217, CH 363 (1987), SB 5770, SSB 5770
- Collective bargaining, judges included within definition of public employer: SHB 226
- Conduct, judicial conduct commission, duties modified: \*SB 5002, CH 186 (1987)
- District court judges' ballot rotation revised: \*SHB 124, CH 110 (1987), SB 5012
- Judges pro tempore, revisions concerning retiring judge who leaves discretionary rulings: \*SB 5205, CH 73 (1987), \*SJR 8207 (1987)
- Judicial qualifications commission changed to commission on judicial conduct, duties revised: \*SB 5002, CH 186 (1987)

**JUDGES—cont.**

- Justice department created: SB 5026
- Municipal court judges, nonattorneys, qualifications: SB 5592
- Retirement, death beneficiary: SHB 359
- Retirement, modifications, transfer to other system allowed: SHB 359
- Retirement provisions revised: SB 5140
- Retirement, restoration of withdrawn credit: SHB 359
- Salaries of superior and district court judges revised: SB 5770
- Superior court judges, additional for King, Chelan, and Douglas counties: SB 5206, \*SSB 5206, CH 323 (1987)

**JUDICIAL CONDUCT, COMMISSION ON**

- Dale Brighton, alternate member, GA 9172 ..... p. 2710
- Joseph H. Davis, member, GA 9145 ..... p. 2705
- Nancyhelen Fischer, member, GA 9147 ..... p. 2706
- Sharon Mast, alternate member, GA 9166 ..... p. 2709

**JUDICIAL COUNCIL**

- Membership and duties revised: SB 5001, \*SSB 5001, CH 322 (1987)
- Study administration of justice and mandatory arbitration: SB 6048, \*SSB 6048, CH 212 (1987)
- Study mandatory appellate settlement conferences: SB 6048, \*SSB 6048, CH 212 (1987)
- Study mandatory settlement conferences and mandatory discovery conferences: SB 5262, \*SSB 6048, CH 212 (1987)
- Study practices and procedures for examining jurors: SB 6048, \*SSB 6048, CH 212 (1987)

**JUDICIAL QUALIFICATIONS COMMISSION**

- Operating budget: \*SHB 1221, CH 7 E1 (1987)

**JUNK VEHICLES**

- Impoundment, etc., procedures revised: SB 5124, \*SSB 5124, CH 311 (1987)

**JURIES**

- Instruction relative to fair and just verdict: SB 5356
- Study of practices and procedures for examining jurors: SB 6048, \*SSB 6048, CH 212 (1987)

**JUSTICE DEPARTMENT**

- New department created: SB 5026, SSB 5026

**JUVENILE DISPOSITION STANDARDS COMMISSION**

- Ron Sims, member, GA 9124 ..... p. 2628
- Sheila A. Homchick, member, GA 9125 ..... p. 2628
- Daniel A. DiGuillo, member, GA 9126 ..... p. 2628
- Bernard Colligan, member, GA 9127 ..... p. 2628
- James Roper, member, GA 9128 ..... p. 2629

**KALICH, ROY M.**

- Member, state lottery commission,  
GA 9095, confirmed ..... pp. 170, 859, 927

**KAMPS, WILLIAM J.**

- Member, state transportation commission,  
GA 9040, confirmed ..... pp. 32, 932, 2414

**KEEFE, THOMAS P.**

- Member, gambling commission, GA 9134 ..... p. 2703

**KEGS**

- Registration, state preemption: SB 5070, SSB 5070
- Transactions to unlicensed purchasers, recordkeeping process: SB 5070, SSB 5070, SB 5254

**KELLEY, RICHARD C.**

Member, state personnel board,  
GA 9084, confirmed ..... pp. 77, 304, 920

**KENNEWICK**

Diversify economy: \*SHB 1132, CH 501 (1987)

**KENNEY, PHYLLIS G.**

Member, indeterminate sentencing review board,  
GA 9039, ..... p. 32  
Withdrawn ..... p. 161  
Trustee, Seattle community college district no. 6,  
GA 9135 ..... p. 2704

**KERN RIVER PIPELINE**

FERC approval requested: SJM 8011

**KEYSTONE SPIT**

Olympic peninsula, Keystone Spit, land exchange: \*SHB 1098, CH 274 (1987)

**KIDNEY DIALYSIS**

Drug dispensing by medicare approved centers: \*SB 6038, CH 41 (1987)  
Outpatient facilities are exempt from real and personal property tax: \*SB 5009,  
CH 31 (1987)

**KILLEEN, LAWRENCE M.**

Member, small business export financial assistance  
center board of directors, GA 9112 ..... p. 566

**KING COUNTY**

Animal traps prohibited in low elevation areas of Pierce, King, and Thurston  
county: SB 5543  
Bellevue's ownership of sports franchise limited by how the county uses its  
hotel/motel tax proceeds: \*SSB 5901, CH 8 E1 (1987)  
Cedar Hills landfill, phasing out: SB 5068  
Snohomish river flood control zone, certain towns may apply for exemptions: SSB  
5156  
Superior court judges, additional: SB 5206, \*SSB 5206, CH 323 (1987)

**KING, MARTIN LUTHER**

Essay contest winners and teachers introduced ..... p. 1534

**KING, SPEAKER JOE**

Presented medal of merit to Lester Savage ..... p. 1178

**KINNEY POINT TRUST PROPERTY**

DNR lands, certain transferred to the parks and recreation commission: SHB 550

**KISKADDON, SENATOR BILL**

Appointed member human services and corrections and parks and ecology  
committees ..... p. 24  
Appointed interim member joint select sunset committee ..... p. 2648

**KLAYMAN, JUDITH A.**

Reappointed member, hospital commission  
GA 9051, confirmed ..... pp. 34, 2068, 2412

**KNISKERN, JOHN P.**

Trustee, Highline community college district no. 9,  
GA 9110, confirmed ..... pp. 565, 1503, 2449

**KNUTSON, LOWELL E.**

Trustee, Seattle community college district no. 6,  
GA 9103, confirmed ..... pp. 377, 935, 1797

**KOHLER, HERCULANO**

Senator, Pohnpei legislator introduced ..... p. 2046

**KOKJER, DONALD E.**

Reappointed member, marine employees' commission, GA 9149 ..... p. 2706

**KOPACHUCK TRUST PROPERTY**

DNR lands, certain transferred to the parks and recreation commission: SHB 550

**KREIDLER, SENATOR MIKE**

Appointed member parks and ecology, chair; human services and corrections  
and ways and means committees ..... p. 24  
Point of order, amendment to SHB 329 ..... p. 1312  
Point of order, amendments to SHB 609 ..... pp. 1707, 1708  
Point of order, house amendment to SSB 5846 ..... p. 1831  
Remarks on Senator Bailey's amendment to SB 6085 ..... p. 2697  
Appointed interim member LEAP committee, joint administrative rules review  
committee ..... p. 2648

**KUMASAKA, JAN**

Member, human rights commission, GA 9150 ..... p. 2706

**KUROSE, RUTHANN**

Member, small business export financial assistance center  
board of directors, GA 9020, confirmed ..... pp. 28, 858, 927

**LABOR AND INDUSTRIES, DEPARTMENT OF**

Joseph A. Dear, director, GA 9132 ..... p. 2703

Apprenticeship programs, businesses are to comply with state law and rules: HB  
173

Assessment notices, appeals, revisions: SHB 677, SB 5583

Caseload study, operating budget: \*SHB 1221, CH 7 E1 (1987)

Factory built housing, building codes, etc.: SSB 5375

Factory built housing, etc., account created for L & I fees for inspections and  
insignia fees: SB 5375, SSB 5375

Fraud appeals, evidence introduction changed: \*HB 187, CH 151 (1987), SB 5216

Hours of labor, certain sections repealed: HB 464, SB 5586

Minimum wage based on 90% of federal poverty level, study impact, operating  
budget: \*SHB 1221, CH 7 E1 (1987)

Navy home port impact, funds to offset: \*SHB 611, CH 272 (1987)

Operating budget: \*SHB 1221, CH 7 E1 (1987)

Penalties for misrepresentation, inaccurate reports and claims, revisions: SB 5584,  
\*SSB 5584, CH 221 (1987)

Smoking in the workplace regulated: SHB 13

Smoking pollution control act, if nonsmokers cannot be accommodated then  
smoking is prohibited: SHB 13, SB 5399

Smoking, state agencies, no smoking if a satisfactory accommodation between  
smokers and nonsmokers cannot be reached: SSB 5399

Subpoenas, director may authorize assistants to issue: SB 5407

Unified business identification reporting: \*HB 148, CH 111 (1987)

Video display terminals, L & I to regulate: SB 5486, SSB 5486

Vocation rehabilitation, evaluate, operating budget: \*SHB 1221, CH 7 E1 (1987)

Wage claims, compliance and investigations, procedures modified: \*SHB 465, CH  
172 (1987), SB 5613

Worker right to know, hazardous substance defined for employer information  
disclosure: SB 5405

Worker right-to-know, advisory council revisions: \*HB 678, CH 24 (1987), SB 5656

Worker right-to-know, consumer product explained: \*SSB 5405, CH 365 (1987)

Workers' compensation ombuds, operating budget: \*SHB 1221, CH 7 E1 (1987)

**LABOR RELATIONS (See also COLLECTIVE BARGAINING)**

Continuity of agreements, successor employers: SB 5353

Employee cooperatives authorized: \*SHB 430, CH 457 (1987)

Family or medical leave: 2SHB 565

Joint select committee on labor-management relations established: SCR 8413

**LABOR RELATIONS—cont.**

- Lockouts, unemployment benefits authorized during lockouts, conditions: SB 5657
- Lockouts, unemployment compensation authorized for certain lockouts: SB 5059, SSB 5059
- Lockouts, unemployment compensation for certain workers, nondisqualifying lockout: \*SHB 445, CH 2 (1987)
- Mediations, evidence arising out of, admissibility restricted: SB 5079, SSB 5079
- Schools, former employees who now provide the services via contract, employer obligations: SSB 6001
- Unfair employment criteria, may not withhold or terminate employment based on known or suspected personal habits of the employee: SB 5789
- Unjust discharge, arbitration procedures established: SB 5965

**LABORDE, GAROLD**

- Member, state school for the blind, GA 9151 ..... p. 2706

**LADENBURG, JOHN**

- Member, sentencing guidelines commission, GA 9168 ..... p. 2709

**LAKE EASTON TRUST PROPERTY**

- DNR lands, certain transferred to the parks and recreation commission: SHB 550

**LAKE MANAGEMENT DISTRICTS**

- Provisions revised, rates and charges: \*SHB 63, CH 432 (1987)

**LAKE SAMMAMISH TRUST PROPERTY**

- DNR lands, certain transferred to the parks and recreation commission: SHB 550, \*SSB 5439, CH 466 (1987)

**LAKE WASHINGTON**

- Salmon production: SB 5324

**LAKE YANTIS**

- Capital Lake renamed: SB 5049

**LAKEFAIR QUEEN**

- Queen Julie Brown welcomes senate members to Olympia ..... p. 75

**LAKES**

- Fishing on inaccessible owner-stocked lakes: SB 5135, SSB 5135

**LAMB**

- Labelling of country of origin: \*SHB 353, CH 393 (1987)

**LAND BANK**

- State investment board may invest in land bank: SB 5174, \*SSB 5174, CH 29 (1987)

**LAND USE PLANNING**

- Aquaculture siting dispute resolution process to be established by DNR: SB 5122
- Binding site plan exemption modified: SB 5892, \*SSB 5892, CH 108 (1987)
- Building permit fee increase, operating budget: \*SHB 1221, CH 7 E1 (1987)
- Comprehensive plan, notice to residents of mobile home parks when amendments to plan may affect park: SSB 5862
- Comprehensive plan, notice when amendments affect rental or leased property: SB 5862
- Docks, community docks, limited construction allowed if for multiple family residential use: SB 5784, \*SSB 6061, CH 474 (1987)
- Ecology procedures simplification act: \*SB 5427, CH 109 (1987)
- Everett home port, land conveyance for dredge spoils: SB 5604, \*SSB 5604, CH 271 (1987)
- Farm land, protection of land and values: SB 5983
- Incinerators in unincorporated areas, conditional use permits: SHB 1053
- Mobile home park residents to be notified when amendments to plan may affect the park: SSB 5862



**LAND USE PLANNING—cont.**

- Mobile home rental space availability, study senior citizen impact, increase land that is available: SB 5076
- Mobile home zoning: SB 5768, SSB 5768, SB 5852, SB 5870
- Permits, vesting: SB 5519, \*SSB 5519, CH 104 (1987)
- Plat approval, administrative approval process modified, binding site plan: \*SHB 116, CH 354 (1987)
- Plat approval, rectification of boundary discrepancies prior to approval: SB 5040
- Plats, vacation and alteration, procedures provided: SHB 118
- Platting, certain public agency transfer: SB 5414
- Short plats, fewer than four parcels, revisions allowed within 5 year period: \*SB 5822, CH 92 (1987)
- Surveys of plats, subdivisions, lots, modifications: \*SHB 116, CH 354 (1987)
- Tidelands, leasing lands for hydraulic harvesting of subtidal hardshell clams: \*SHB 928, CH 374 (1987)
- Vacating and altering lots, subdivisions, plats, and townsites: \*SHB 116, CH 354 (1987)
- Vesting of real property permit rights: SB 5519, \*SSB 5519, CH 104 (1987)

**LANDFILLS (See also SOLID WASTE)**

- Cedar Hills, phasing out: SB 5068
- Unincorporated areas, conditional use permits: SHB 1053
- Use for solid waste disposal limited beginning in 1992, except for certain materials: SHB 509

**LANDLORD TENANT**

- Judgments, enforcement revised: \*SHB 927, CH 442 (1987)
- Mobile home landlords, unfair practices specified: SB 5600
- Mobile home rental space availability, study senior citizen impact, increase land that is available: SB 5076
- Mobile homes, tenant remedies for violation of rental agreement: SB 5950
- Public assistance, rent payments to landlords, study, pilot program: SHB 932
- Rent, nonpayment by persons on public assistance, recovery, garnishment: SB 5751
- Rent payments directly to landlord from public assistance, study, pilot program: SHB 932
- Unfair practices specified: SB 5166
- Unfit premises, regulated, premises or portions, monitor deterioration for possible demolition: SHB 439
- Utility liens against landlords prohibited: SB 5966

**LAROSE, JUDGE DAVID R.**

- Reappointed chief administrative law judge,  
GA 9043, confirmed ..... pp. 32, 259, 493

**LARRABEE TRUST PROPERTY**

- DNR lands, certain transferred to the parks and recreation commission: SHB 550,  
\*SSB 5439, CH 466 (1987)

**LaVIOLETTE, MACY**

- Brownie girl scout introduced ..... p. 590

**LAW ENFORCEMENT**

- Bikes, trikes, and toys, unclaimed items may be donated to charity: \*SHB 669, CH 182 (1987)
- Bikes, unclaimed bikes may be donated to charity: \*SHB 669, CH 182 (1987)
- Chiefs, standards for appointment: \*SHB 902, CH 339 (1987), SB 5552, SSB 5552
- Civil service exemption for police and fire chiefs: \*SHB 902, CH 339 (1987)
- Collective bargaining for jail and radio dispatch personnel: SB 6022
- County sheriff civil service systems, revisions: \*HB 816, CH 251 (1987)
- Drugs, wire-tapping, one-party consent law changed: SB 5070, SSB 5070, SB 5362
- Heart disease, presumed to be occupationally related: SSB 5801

**LAW ENFORCEMENT—cont.**

- Immunity, revisions: SB 6048, \*SSB 6048, CH 212 (1987)  
 LEOFF, directors of public safety included: \*SHB 47, CH 418 (1987)  
 LEOFF II revised: SB 5347, SSB 5347  
 Retirement, directors of public safety included in LEOFF: \*SHB 47, CH 418 (1987)  
 Service districts, authorizing creation in 4th and 5th class counties on the coast or  
 Columbia river: SB 5771  
 Vehicles exempt from television receiver and headphone restrictions: \*HB 431,  
 CH 176 (1987), SB 5721  
 Wire-tapping, one-party consent law changed for drugs: SB 5070, SSB 5070, SB  
 5362

**LAWRENCE, EDITH A.**

- Trustee, Edmonds community college district no. 23,  
 GA 9080 ..... p. 39

**LEARY, R. DAN**

- Member, Washington State University,  
 board of regents, GA 9037, confirmed ..... pp. 31, 1501, 1839

**LEASES**

- State leasing authority revised: SB 6073

**LEAVES OF ABSENCE**

- Family and medical leave: 2SHB 565

**LEDBETTER STATE PARK**

- DNR lands, certain transferred to the parks and recreation commission: SHB 550

**LEE, KAI N.**

- Reappointed member, Pacific Northwest electric conservation  
 planning council, GA 9099, confirmed ..... pp. 254, 971, 1752

**LEE, SENATOR ELEANOR**

- Oath of office ..... p. 3  
 Appointed member commerce and labor and  
 ways and means committees ..... p. 24  
 Parliamentary inquiry, order of amendments, SSB 5456 ..... p. 907  
 Point of order, amendment clarification, ESHB 26 ..... p. 1470  
 Parliamentary inquiry, order of business, HB 220 ..... p. 1498  
 Appointed interim member Governor's small business improvement council,  
 select committee on labor/management, joint select sunset committee and  
 legislative budget committee ..... p. 2648

**LEGAL HOLIDAYS**

- One additional holiday for state employees: SSB 5287  
 Two additional holidays for state employees: SB 5287

**LEGEND DRUGS (See DRUGS )****LEGHOLD TRAPS**

- Prohibited in low elevation areas of Pierce, King, and Thurston counties: SB 5543

**LEGISLATIVE SYSTEMS COMMITTEE**

- Operating budget: \*SHB 1221, CH 7 E1 (1987)

**LEGISLATIVE TRANSPORTATION COMMITTEE**

- Transportation budget: \*SSB 6076, CH 10 E1 (1987)

**LEGISLATURE**

- Adjourning the legislature, April 26, 1987: \*SCR 8415 (1987)  
 Adjournment of the regular session of the legislature, transmittal of bills, etc.,  
 provided for: \*SCR 8414 (1987)  
 Adjournment, 1987 regular session, notifying Governor: HCR 4421  
 Appropriations, state spending limits imposed: SB 5298

**LEGISLATURE—cont.**

- Attorney general to report yearly on affirmative action goals and timetables: \*SHB 1221, CH 7 E1 (1987)
- Banking advisory council established to study diversification: SB 5257, SSB 5257
- Capital budget: \*SHB 327, CH 6 E1 (1987)
- Child and family services, DSHS to report to legislature: \*SHB 1221, CH 7 E1 (1987)
- Corrections department, report on minority and women in top-level management positions: \*SHB 1221, CH 7 E1 (1987)
- Cutoff dates for the 1987 session: \*SCR 8402 (1987)
- Governor notified that the 1987 first special session is organized: \*HCR 4420 (1987)
- Gubernatorial appointments, confirmation process revised: SB 5025, SSB 5025
- Gubernatorial appointments, successor process revised: SB 5025, SSB 5025
- Gubernatorial appointments, time limit for senate confirmation: SB 5093
- Joint rules adopted: \*SCR 8401 (1987)
- LBC and other committees to review the proliferation of special purpose districts: SB 5765
- LBC study on school-related information, operating budget: \*SHB 1221, CH 7 E1 (1987)
- LBC to do a SPI performance audit: SB 5725
- LEAP study on schools, state-wide reporting system, operating budget: \*SHB 1221, CH 7 E1 (1987)
- Lengthening terms: \*HJR 4212 (1987), SJR 8206
- Memorial service: \*HCR 4406 (1987)
- Operating budget: \*SHB 1221, CH 7 E1 (1987)
- Protection given to employees reporting improper activity to legislators: SB 5031, SSB 5031
- Regular session to begin in February instead of January: SB 5011
- Reintroduction of bills from the regular 1987 session to the special 1987 session: \*SCR 8416 (1987)
- Rules review committee, suspension of agency rules authorized: SB 5057
- Sine die, April 26, 1987, notify the Governor: \*HCR 4419 (1987)
- Sine die, 1987 special session: \*HCR 4423 (1987)
- Special session, 1987, providing procedures to convene: \*HCR 4422 (1987)
- Spending limits imposed: SB 5298
- State publications must be distributed to the legislature through the state publications center in the library: HB 577
- Terms and number of legislators changed: SJR 8202
- Terms of office, commencement date revised: \*SB 5010, CH 13 (1987)
- Vacancies in joint offices, procedures for filling modified: SHJR 4204

**LEMON LAW**

- New enforcement provisions: SB 5502, \*SSB 5502, CH 344 (1987)

**LENTZ, SCOTT**

- Eagle scout from Palouse, presented flag ..... P. 242

**LEWIS RIVER**

- Municipal water treatment discharge, standards adjusted to reflect credit for substances removed: \*SHB 571, CH 399 (1987)

**LIBRARIES**

- Ballot proposition to maintain tax or increase tax: \*SHB 298, CH 138 (1987)
- Districts, exempting \$.50 levy from the 1% ceiling: SB 5694, SJR 8209
- Districts, withdrawal of area authorized: \*SHB 298, CH 138 (1987)
- Operating budget, state library: \*SHB 1221, CH 7 E1 (1987)
- Western library network, procedures modified, civil service exemptions provided: \*HB 135, CH 389 (1987)

**LICENSE PLATES**

- Centennial plates, revenue revisions regarding fees: \*HB 261, CH 178 (1987)
- Consular plates: SB 5423, \*SSB 5423, CH 237 (1987)
- Driving without a license, violator plates to be marked: \*2SHB 196, CH 388 (1987)

**LICENSE PLATES—cont.**

Pearl Harbor survivors: SB 5136, \*SSB 5136, CH 44 (1987)  
 POWs, spouses of deceased POWs: SB 5047, \*SSB 5047, CH 98 (1987)  
 ReflectORIZED material: \*SB 5277, CH 52 (1987)

**LICENSING**

Business, voluntary regulation increase, process: \*HB 435, CH 514 (1987)

**LICENSING, DEPARTMENT OF**

Aircraft registration and excise tax collection responsibility to WSDOT from DOL:  
 \*HB 403, CH 220 (1987)

Business regulation review process established: SHB 7

Child abuse perpetrators, central registry to notify schools when an employee is  
 put on register: SB 5554, SB 5659, SSB 5659, \*SSB 5659, CH 524 (1987)

Fees paid with bad checks, collection and restitution procedure: \*SB 5120, CH 302  
 (1987)

Health care professionals, omnibus registration act, consumer protection: SB 5752

Operating budget: \*SHB 1221, CH 7 E1 (1987)

Organizational study of the vehicle and driver's services, management consul-  
 tant, transportation budget: \*SSB 6076, CH 10 E1 (1987)

Secretary of state transferred to the department of licensing: SB 5029

Securities division, legal counsel may be employed: SB 5756

Transportation budget: \*SSB 6076, CH 10 E1 (1987)

**LIE DETECTORS**

Regulating polygraph examiners: SB 5350, SB 5419, SSB 5419

**LIENS**

Crop lien priority clarified: SB 5559

Crop liens, time period extended for filing liens: SB 5168, SSB 5168

Fishermen, processor liens authorized: \*SHB 60, CH 148 (1987)

Landlord tenant situations, utility liens against landlords prohibited: SB 5966

Livestock, cruelty to animals, person caring for animal has a lien: \*SB 5976, CH  
 233 (1987)

Livestock liens, possession of livestock until lien expires, 60 days: \*SB 5976, CH 233  
 (1987)

Livestock, purchases of livestock or byproducts, revisions: \*SHB 353, CH 393 (1987)

Mechanics' and materialmen's infractions, each day and each worksite is a sep-  
 arate infraction: SB 5790

Mechanics' liens, surety companies: SB 5339

Self-storage facilities: SB 5595

Sewage, delinquent aquifer protection fees: \*HB 1016, CH 381 (1987)

Surety companies, mechanics' liens: SB 5339

Time period extended for filing liens: SB 5168

Uniform commercial code fees revised: \*SB 5194, CH 189 (1987)

Utilities, landlord tenant situations, utility liens against landlords prohibited: SB  
 5966

Warehousemen's, priority over all other liens and security interests: \*SB 5085, CH  
 395 (1987)

Workers' compensation, third parties, actions against: SB 6048, \*SSB 6048, CH 212  
 (1987)

**LIEUTENANT GOVERNOR (See also CHERBERG, JOHN A.; also PRESIDENT  
 OF THE SENATE)**

Operating budget: \*SHB 1221, CH 7 E1 (1987)

Term of office, commencement date revised: SB 5011

**LIFELINE TELEPHONE SERVICE**

Providing for low-income persons: \*SB 5097, CH 229 (1987)

**LIFE-SUSTAINING MEASURES**

Natural death act, revisions: SB 5401, SSB 5401

**LIMITED ACCESS FACILITIES**

Requirements altered: \*SB 5416, CH 200 (1987)

**LIMITED PARTNERSHIPS**

Revisions: \*SHB 393, CH 55 (1987)

**LINGCOD**

Personal use license may be required: SB 5495, \*SSB 5495, CH 87 (1987)

**LIQUOR**

Annual audit of liquor control board, cost restriction removed: \*SB 5541, CH 74 (1987)

Beer advertising must carry warning of hazards: SB 5207

Beer retailers' license fee increased: \*HB 1228, CH 458 (1987), SB 5070, SSB 5070

Beer retailers may offer samples for sales promotion: SB 5581, \*SSB 5581, CH 46 (1987)

Beer retailers, purchase restrictions regarding seized beer removed: \*SB 5265, CH 205 (1987)

Blood alcohol or breath alcohol tests for alcohol content authorized: \*HB 1049, CH 373 (1987)

Class F licensees, fortified wine, population criteria: \*SHB 1158, CH 386 (1987)

Class H licensees, sale by the bottle, revisions, clubs: SB 5130

Class H licenses, sale by the bottle, revisions, clubs with overnight sleeping accommodations: \*SSB 5130, CH 196 (1987)

Class I liquor license, local government written objection process modified: HB 474, \*SHB 1158, CH 386 (1987), SB 5390

Class M liquor license for motels: SB 5947

Clubs, sale of liquor by the bottle, class H license: SB 5130

Clubs with overnight sleeping accommodations, class H license: \*SSB 5130, CH 196 (1987)

Driving with certain blood/breath alcohol levels, penalty schedule: SB 5700

Drunk drivers, ignition interlocks on offender cars: \*HB 663, CH 247 (1987), SB 5233, SSB 5233

DSHS alcohol program, liquor revolving fund: \*HB 1228, CH 458 (1987), SB 5070, SSB 5070

Duty free exporters, sale to vessels for drinking outside of state, license required: \*SHB 1158, CH 386 (1987)

Fortified wine sales restricted: \*SHB 1158, CH 386 (1987)

Gambling is an incidental activity in class B, C, or H establishments: SSB 6062

Identification cards, counterfeit, altered, etc., unlawful: SB 5070, SB 5254, \*SSB 5254, CH 101 (1987)

Identification cards, transfer to minor, penalties increased: SB 5254, \*SSB 5254, CH 101 (1987)

Ignition interlocks on alcohol offender cars: \*HB 663, CH 247 (1987), SB 5233, SSB 5233

Intoxicated pedestrians, police may offer transport: \*SB 5060, CH 11 (1987)

Keg registration, state preemption: SB 5070, SSB 5070

Keys, transactions to unlicensed purchasers, recordkeeping process: SB 5070, SSB 5070

Liquor revolving fund, juvenile alcohol and drug prevention programs: \*HB 1228, CH 458 (1987), SB 5070, SSB 5070

Liquor store sales, closure based on yearly sales: \*SHB 1221, CH 7 E1 (1987)

Minors possessing or consuming alcohol, arrest without a warrant: \*SHB 42, CH 154 (1987)

Minors prohibited in taproom portion of premises: SB 5487

Minors, sale to, provisions changed, gross misdemeanor penalty modified: \*HB 110, CH 204 (1987)

Minors, unlawful to supply to minor: \*HB 1228, CH 458 (1987), SB 5070, SSB 5070

Minors, use, consumption, or possession of liquor, arrest: SB 5070, SSB 5070

Minors, violations, penalties increased: SB 5254, \*SSB 5254, CH 101 (1987)

Nonliquor items, sale of by licensed retailers: \*SHB 1158, CH 386 (1987)

**LIQUOR—cont.**

- Operating budget: \*SHB 1221, CH 7 E1 (1987)
- Sale of gas and alcohol concurrently is forbidden: SB 5397
- Social hosts, guests, licensees, etc., legal actions defined: SB 5867
- Temporary retail licenses, issuance procedures: SB 5212, \*SB 5212, CH 217 (1987)
- Wine advertising must carry warning of hazards: SB 5207
- Wine and grape research, liquor revolving fund: \*HB 1228, CH 458 (1987), SB 5070, SSB 5070
- Wine commission established: \*2SHB 569, CH 452 (1987), SB 5503, SSB 5503
- Wine, fortified wine retailer's license: SHB 1066, \*SHB 1158, CH 386 (1987)
- Wine, reciprocity for out-of-state wine shipments: SB 5358

**LITERACY**

- Literacy tutor coordination project, operating budget: \*SHB 1221, CH 7 E1 (1987)
- School programs, project even start: \*2SHB 456, CH 518 (1987), SB 5476, SSB 5476, SB 5629

**LITERARY WORKS**

- Property tax exemption modified: SB 5345, SSB 5345
- Property taxes, leased or rented property qualifies for exemption: \*HB 1087, CH 468 (1987)

**LIVESTOCK**

- Abuse, cruelty to animals, removal of animals revised, criminal procedures modified: SB 5608, \*SSB 5608, CH 335 (1987)
- Abuse, penalties increased, remedies: SB 5177
- Abused animals, disposition and care provided for: SB 5304
- Agriculture, nonpoint activity, procedures to investigate and remedy: SHB 543
- Collisions with livestock and motor vehicles, presumption of livestock's negligence removed: SB 5171
- Cruelty to animals, person caring for animal has a lien: \*SB 5976, CH 233 (1987)
- Liens, possession of livestock until lien expires, 60 days: \*SB 5976, CH 233 (1987)
- Liens, purchases of livestock or byproducts, revisions: \*SHB 353, CH 393 (1987)
- Running at large, control within 12 hours: SB 5117
- Slaughtering, custom slaughtering facilities, revisions: \*SB 5381, CH 77 (1987)

**LIVING WILLS**

- Natural death act, revisions: SB 5401, SSB 5401, SB 5696

**LOANS**

- Farm credit system, strengthening requested: \*SJM 8016 (1987)
- Motor vehicle purchases, service charge on retail installment sales limited: SHB 366
- Municipal corporations, loan agreements and debtor/creditor obligations set forth: \*SHB 263, CH 19 (1987)
- Real estate loan agreements, security protection provisions: SB 5154, SSB 5154
- Small business loan program established: 2SSB 5398, SB 5588
- Student loan guarantee agencies, tax exemption: \*HB 1090, CH 433 (1987)

**LOBBYISTS**

- Contingent fee contracts prohibited: \*SB 5936, CH 201 (1987)
- Lobbying activities defined: \*SHB 782, CH 423 (1987)
- Personal service contracts during session prohibited: SB 5783
- Reporting requirements modified regarding expenditures: \*SHB 782, CH 423 (1987)

**LOBE, LUDWIG**

- Member, health care facilities,  
GA 9115, confirmed ..... pp. 972, 2069, 2452

**LOCAL GOVERNANCE STUDY COMMISSION**

- Extended: \*SHB 296, CH 16 (1987)

**LOCAL HOUSING AUTHORITIES**

Deactivation or abolition, procedures: \*SB 5564, CH 275 (1987)

**LOCAL IMPROVEMENT DISTRICTS**

Boundaries, dates established for cementing of boundaries for levy purposes:

\*SHB 578, CH 358 (1987)

Creation, public hearing: \*HB 86, CH 315 (1987)

Forced signing of petitions prohibited: SB 5307

Improvements limited to 200% of the amount originally proposed at the time the district was created: SB 5520, \*SSB 5520, CH 340 (1987)

Public corporations owning public improvements, use financing of municipalities: \*HB 1014, CH 242 (1987)

Reserve fund, reserve fund balance ratio: \*SSB 5520, CH 340 (1987)

Security money paid by land owner shall be used to defray last installment payment: SB 5520

Sewer or water facilities, finance, notice modified: \*HB 86, CH 315 (1987)

Special assessment use to be designated before bonds are issued: \*HB 643, CH 169 (1987)

Sunrise act adopted: \*SB 5764, CH 342 (1987)

**LOCKOUTS**

Labor lockouts, employment compensation authorized for certain lockouts: SB 5059, SSB 5059

Unemployment benefits authorized during lockouts, conditions: SB 5657

Unemployment compensation for certain workers, nondisqualifying lockout: \*SHB 445, CH 2 (1987)

**LOGGING**

Special fuel, exempt from taxation if part of a logging operation on federal land:

\*HB 24, CH 294 (1987), SB 5932

Sustainable harvest, determinations modified: \*SHB 55, CH 159 (1987), SB 5563

**LONG-TERM CARE**

Chore services, appropriating money for additional chore services: \*HB 1261, CH 2 E2 (1987)

DSHS to address long-term care needs of disabled adults and older persons: SSB 5453, \*2SSB 5453, CH 409 (1987)

Long-term care ombudsman, study office, volunteer long-term ombudsman requirements: \*SHB 697, CH 158 (1987)

New clients, maximize use of COPES for those requiring chore or personal care services: \*HB 1261, CH 2 E2 (1987)

Respite care, DSHS to report on cost-comparisons: SSB 5453, \*2SSB 5453, CH 409 (1987)

Respite care services, enhanced: SHB 524, SB 5453, SSB 5453, \*2SSB 5453, CH 409 (1987)

Respite care services, revisions of DSHS authority: SSB 5453, \*2SSB 5453, CH 409 (1987)

**LONG-TERM CARE OMBUDSMAN**

Advisory committee created, office moved to AG: SB 5270

Long-term care ombudsman, study office, volunteer long-term ombudsman requirements: \*SHB 697, CH 158 (1987)

Retaliatory action prohibited against persons who communicate with long-term care ombudsman: SB 5270

Revisions, local duties created, office created in DSHS: SB 5614

State long-term care ombudsman advisory committee created to assist long-term care ombudsman: SB 5614

**LOOMIS LAKE TRUST PROPERTY**

DNR lands, certain transferred to the parks and recreation commission: SHB 550

**LORD HILL TRUST PROPERTY**

DNR lands, certain transferred to the parks and recreation commission: SHB 550

**LOSS OF CONSORTIUM**

Contributory fault between spouses: SB 5262, \*SSB 6048, CH 212 (1987)

**LOTTERY**

Additional games to benefit particular programs, director to study: \*SHB 26, CH 511 (1987)

Employee conflict of interest: \*SHB 26, CH 511 (1987), SB 5295, SSB 5295

Extended two years to fund budget reserve: SB 5099

Housing trust fund: \*2SHB 164, CH 513 (1987)

Housing trust fund, unclaimed prizes into: SSB 5295

Operating budget: \*SHB 1221, CH 7 E1 (1987)

Probability must be fully disclosed: SB 5352

Shared games with other states, prior legislative approval required: \*SHB 26, CH 511 (1987), SB 5295, SSB 5295

Study by director of additional games to benefit particular programs: \*SHB 26, CH 511 (1987)

Sunset provisions: \*SHB 26, CH 511 (1987), SSB 5295

Ticket violations, minors: \*SHB 26, CH 511 (1987), SB 5295, SSB 5295

Unclaimed prizes in state lottery account: \*SHB 26, CH 511 (1987)

Unclaimed prizes to the housing trust fund: SSB 5295

Urban area parks, special lottery proceeds to the outdoor recreation account: SB 5273

**LOTTERY COMMISSION, STATE**

Barbara Bryant, member, GA 9144 ..... p. 2705

Roy M. Kalich, member, GA 9095, confirmed ..... pp. 170, 859, 927

Carl M. Ooka, reappointed member, GA 9153 ..... p. 2707

Evelyn Y. Sun, director, GA 9048, confirmed ..... pp. 33, 859, 905

**LOWER COLUMBIA COMMUNITY COLLEGE**

Myrna J. Emerick, trustee, GA 9170 ..... p. 2710

Bill Mortimer, trustee, GA 9057, confirmed ..... pp. 35, 932, 2047

**LOW-INCOME**

AFDC eligibility revised: SB 6005

Aquifer protection fee reduction for aquifer withdrawal: \*HB 1016, CH 381 (1987)

Clothing donated to low-income persons, sales tax exempt: SB 5355

Current use valuation: SJR 8210

Education assistance for public assistance recipients: SB 6006

Family independence program: \*2SHB 448, CH 434 (1987), SB 5471

Health care access act: \*2SHB 477, CH 5 E1 (1987)

Housing assistance advisory committee created: \*2SHB 164, CH 513 (1987)

Housing, exempting housing owned by public corporations from excise tax: \*HB 1137, CH 282 (1987)

Lifeline telephone service: \*SB 5097, CH 229 (1987)

Migrant and seasonal workers, review needs, operating budget: \*SHB 1221, CH 7 E1 (1987)

Mobile home park purchase fund established: \*SHB 995, CH 482 (1987), SB 5766

Prenatal care program provided: 2SHB 477, SB 5452, SSB 5452, 2SSB 5452

Sales tax refund for low-income households: SB 5709

Scholarship program for low-income working persons and single heads of household: \*HB 1021, CH 305 (1987), SB 5461

Sewage disposal, aquifer protection fee reduction: \*HB 1016, CH 381 (1987)

Start own business, assistance to be given: SB 6004

Tax, lower property tax on buildings used for low-income housing: SB 5321

Weatherization of residences: SB 5014, \*SSB 5014, CH 36 (1987)

**LUCAS, MOYES**

Member, state parks and recreation commission ..... pp. 26, 410, 563



**LUDERS, EDWARD T.**

Member, state parks and recreation commission,  
GA 9000, confirmed ..... pp. 25, 409, 449

**LYNCH, GRACE L.**

Trustee, Wenatchee Valley community college  
district no. 15, GA 9167 ..... p. 2709

**MACKEY, RALPH E.**

Reappointed member, interagency committee for outdoor  
recreation, GA 9120, ..... p. 1310

**MAGNIFICENT VOYAGERS**

Operating budget: \*SHB 1221, CH 7 E1 (1987)

**MAGNUSON, THE HONORABLE WARREN G.**

Medal of merit award winner introduced and addressed senate ..... p. 1181

**MAILBOXES**

Parking by roadside mailboxes prohibited: SB 5762

**MANAGEMENT AND EFFICIENCY**

Commission created: SCR 8411

**MANUFACTURED HOUSING**

Contractor registration, application to manufactured housing: \*SSB 5814, CH 313  
(1987)

**MAPLE STREET TOLL BRIDGE**

Removal of toll by 6/1/89, WSDOT to plan: SB 5095

Removal of toll by 6/1/90, WSDOT to plan: SB 5091

Removing tolls, bridge to be under sole ownership of state: SHB 859

**MAPLE VALLEY**

Cedar Hills landfill, phasing out: SB 5068

**MARK MORRIS HIGH SCHOOL**

State AA champion girls basketball team introduced,

SFR 1987-8638 ..... p. 952

State AA champion boys basketball team introduced,

SFR 1987-8636 ..... p. 953

**MARINAS**

Public operators to establish charges which reflect private facility costs: SB 6043

Waste disposal: SB 5306, SSB 5306

**MARINE EMPLOYEES' COMMISSION**

Donald E. Kokjer, reappointed member, GA 9149 ..... p. 2706

Louis O. Stewart, reappointed member,

GA 9047, confirmed ..... pp. 33, 2043, 2087

Salary surveys, requirements: SB 5741

Transportation budget: \*SSB 6076, CH 10 E1 (1987)

**MARINE PATROL SERVICES**

Watercraft excise tax, distribution locally: SHB 46

**MARINE RESOURCES (See OCEAN RESOURCES)****MARKETING**

Capital budget: \*SHB 327, CH 6 E1 (1987)

International marketing programs, advisory board to IMPACT created: SB 5746

Lamb, labelling of country of origin: \*SHB 353, CH 393 (1987)

Rural businesses, studying economic development and marketing needs: SHB  
1189

Wine commission established: \*2SHB 569, CH 452 (1987), SB 5503, SSB 5503

**MARRIAGE**

- County domestic violence prevention programs, funding via an additional \$17, marriage license fee: SHB 567  
 Fees increased for the purposes of the displaced homemaker act: SB 5253, \*SSB 5253, CH 230 (1987)  
 Premarital agreement act: SB 5033  
 Solemnization by retired authorized persons: \*HB 795, CH 291 (1987)  
 Solemnization of marriages by court commissioner allowed: SB 5103  
 Uniform premarital agreement act: SB 5033

**MARRIAGE COUNSELORS**

- Omnibus credentialing act for counselors: \*SHB 129, CH 512 (1987)

**MARROWSTONE ISLAND**

- DNR lands, certain transferred to the parks and recreation commission: SHB 550

**MARSDEN, JEANIE E.**

- Member, interagency committee for outdoor recreation,  
 GA 9004, confirmed ..... pp. 25, 409, 449

**MARTINEZ, SIMON**

- Reappointed member, oil and gas conservation commission,  
 GA 9122 ..... p. 1697

**MASSAGE THERAPY**

- Revisions: SB 5299, \*SSB 5299, CH 443 (1987)

**MAST, SHARON**

- Alternate member, commission on judicial conduct, GA 9166 ..... p. 2709

**MATHENG, MICHELLE**

- Sequim irrigation festival princess introduced ..... p. 1123

**MATERNITY LEAVE**

- Family and medical leave provisions: 2SHB 565

**MATTINGLY, CORALEE**

- Trustee, Yakima Valley community college  
 district no. 16, GA 9137 ..... p. 2704

**MCCASLIN, SENATOR BOB**

- Appointed member governmental operations  
 and judiciary committees ..... p. 24  
 Parliamentary inquiry, limited debate ..... p. 738  
 Point of order, free conference report, EHB 435 ..... p. 2215  
 Appointed interim member Washington state efficiency study commission and  
 public defender task force ..... pp. 2647, 2648

**McDERMOTT, SENATOR JIM**

- Oath of office ..... p. 3  
 Appointed member ways and means, chair; and financial institutions committees  
 p. 24  
 Appointed interim member legislative budget committee ..... p. 2648  
 Resignation letter ..... p. 2680

**McDONALD, SENATOR DAN**

- Oath of office ..... p. 3  
 Appointed member natural resources and ways and  
 means committees ..... p. 24  
 Appointed member of committee, memorial service, HCR 4406 ..... p. 182  
 Appointed interim member LEAP committee ..... p. 2648  
 Remarks, SB 6078 ..... p. 2683

**McGLENN, JOHN C.**

- Member, wildlife commission, GA 9136 ..... p. 2704

**McKILLIP, PAULA**

Vice president future farmers of America introduced ..... p. 415

**McKINNEY, REV. SAMUEL B.**

Reappointed member, commission for vocational education,  
GA 9068 ..... p. 37

**McLEAN, JUDGE B. J.**

Reappointed member, clemency and pardons board,  
GA 9055, confirmed ..... pp. 35, 117, 140

**McMULLEN, SENATOR PATRICK R.**

Appointment letter ..... p. 2692

**MECHANICS' LIENS**

Revisions, surety companies: SB 5339

**MEADOWCROFT, MRS. ELIZABETH**

Retired game commissioner introduced and addressed senate  
SFR 1987-8643 ..... pp. 1126, 1127

**MEDAL OF MERIT**

Joint session on 4/9/87 to honor state medal of merit recipients: \*HCR 4415 (1987)

**MEDIATION (See also ARBITRATION)**

Aquaculture siting dispute resolution process to be established by DNR: SB 5122  
Evidence arising out of mediations, admissibility restricted: SB 5079, SSB 5079  
Family farms, mediation prior to foreclosure: SB 5173  
Indian shellfish claims, process: SB 5158, SSB 5158  
Natural resource disputes, grants for mediation authorized: SHB 12  
Unjust discharge, arbitration procedures established: SB 5965

**MEDICAL ASSISTANCE**

Alcoholism and drug addiction treatment and shelter program: \*SHB 646, CH 406  
(1987), SB 5568  
Dental hygiene and care programs, prepaid capitated plan to be developed:  
SHB 1225  
Eligibility, DSHS must determine eligibility with 30 days, except disability is 60  
days: SB 5842  
Health care access act of 1987: \*2SHB 477, CH 5 E1 (1987), SB 5357  
Inmates, medical care eligibility of city and county inmates under the limited  
casualty program: SB 5753  
Medicare violations, consumer protection: INT 92  
Occupational therapy services authorized: SB 5259, SSB 5259  
Operating budget: \*SHB 1221, CH 7 E1 (1987)  
Prenatal care program provided: 2SHB 477, SB 5452, SSB 5452, 2SSB 5452

**MEDICAL DISCIPLINARY BOARD**

Impaired physician program: SB 5857, \*SSB 5857, CH 416 (1987)

**MEDICAL EXAMINERS**

Immunity for death investigations: \*HB 590, CH 263 (1987)

**MEDICAL EXAMINERS, BOARD OF**

Physicians' assistant included on board: \*SHB 942, CH 116 (1987), SB 5835, SSB  
5835

**MEDICARE**

Consumer protection, charges for services: SB 5781

**MEDICINE**

Impaired physician program: SB 5857, \*SSB 5857, CH 416 (1987)  
Limited license to practice to visiting teachers, researchers or fellowship holders:  
\*HB 699, CH 129 (1987)  
Physicians' assistants, scope of practice extended: SB 5971

**MENTAL HEALTH**

- Community mental services act, grant distribution formula: SB 5598, \*SSB 5598, CH 105 (1987)
- Conditional release of committed persons, retraction: SB 5841
- Criminals, mental competency: SB 5841
- Diminished mental capacity: SB 5963
- Immunity for release by public institution: SB 5262, \*SSB 6048, CH 212 (1987)
- Involuntary commitment procedures revised: SB 5074, SSB 5074, \*2SSB 5074, CH 439 (1987)
- Kitsap county treatment project: \*SHB 1221, CH 7 E1 (1987)
- Neuroleptic drugs, side effect warning required: SB 5860
- Operating budget: \*SHB 1221, CH 7 E1 (1987)
- Physicians, impaired physician program: SB 5857, \*SSB 5857, CH 416 (1987)
- Release of patients, revisions: SB 6048, \*SSB 6048, CH 212 (1987)
- Respite care services enhanced: \*2SSB 5453, CH 409 (1987)

**MENTAL HEALTH COUNSELORS**

- Omnibus credentialing act for counselors: \*SHB 129, CH 512 (1987)

**MENTAL SPORTS**

- Mental sports competition and research advisory committee: \*2SHB 456, CH 518 (1987), SB 5056

**METALS**

- Commodity brokers, license revisions: \*SB 5178, CH 243 (1987)

**METCALF, SENATOR JACK**

- Appointed member financial institutions and natural resources committees p. 24
- Personal privilege, two percenter, ESHB 359 p. 1474
- Point of order, EHB 831 properly before senate p. 2209
- Appointed member joint committee on marine and ocean resources, joint select committee on labor/management and legislative committee on economic development p. 2648

**METHADONE TREATMENT PROGRAMS**

- Certification requirements changed: \*SHB 876, CH 410 (1987)

**METROPOLITAN MUNICIPAL CORPORATION COUNCILS**

- Election of members provided for: SB 5006, SSB 5006
- Sewer connection charges may be imposed: SSB 5006, SB 5954

**METROPOLITAN PARK DISTRICTS**

- Ballot proposition to maintain tax or increase tax: \*SHB 298, CH 138 (1987)
- Treasurer designation: \*HB 194, CH 203 (1987)
- Withdrawal of area authorized: \*SHB 298, CH 138 (1987)

**METROPOLITAN TRACT**

- Revenue bonds for capital projects: SB 5437

**MEXICAN-AMERICAN AFFAIRS COMMISSION**

- Operating budget: \*SHB 1221, CH 7 E1 (1987)
- Redesignated as the commission on Latin-American affairs: SB 5191
- Redesignated the commission on Hispanic affairs: \*SSB 5191, CH 249 (1987)

**MIAS**

- Location of MIAs, Congress requested to discover: SJM 8003

**MICAH, JOB**

- Vice speaker, Pohnpei legislator introduced p. 2046

**MICKELSON, KAYE**

- Trustee, Spokane joint center for higher education administrative board, GA 9015 p. 27

**MIDWIVES**

- Advisory council reauthorized: \*SSB 5163, CH 467 (1987)

**MIDWIVES—cont.**

- Educational requirements, deliveries, classtime, etc.: \*SSB 5163, CH 467 (1987)
- Provisions modified, licensing, drugs: SB 5163, \*SSB 5163, CH 467 (1987)
- Study regarding maternal and neonatal outcome data: \*SSB 5163, CH 467 (1987)
- Study regarding the role of nonlicensed practitioners: \*SSB 5163, CH 467 (1987)

**MIGRANT WORKERS**

- Study needs of migrant and seasonal labor: \*SHB 1221, CH 7 E1 (1987)
- Workers' compensation: \*SHB 677, CH 316 (1987)

**MIGRATORY WATERFOWL STAMP**

- Age requirement clarified: HB 112

**MILITARY DEPARTMENT**

- Capital budget: \*SHB 327, CH 6 E1 (1987)
- Operating budget: \*SHB 1221, CH 7 E1 (1987)

**MILK**

- Marketing associations may enter into milk agreement: \*SHB 783, CH 164 (1987), SB 5692, SSB 5692

**MILWAUKEE ROAD**

- Definition of corridor changed: SB 5729, SSB 5729
- DNR lands, certain transferred to the parks and recreation commission: SHB 550, \*SSB 5439, CH 466 (1987)
- DNR to manage their portion of trail for recreational purposes: SB 5730, SSB 5730

**MINERAL WOOL**

- Certifying mineral wool product insulation inspectors: SB 5691, SSB 5691

**MINIMUM WAGE**

- Labor and industries, compliance and investigations, procedures: \*SHB 465, CH 172 (1987), SB 5613
- Nursing home services, minimum wage adjustments: \*2SHB 1006, CH 476 (1987), SB 6011
- Nursing homes, DSHS appropriation for nonadministrative wages and benefits enhancements: \*HB 1260, CH 1 E2 (1987)
- Study impact of wage based on 90% of federal poverty level, operating budget: \*SHB 1221, CH 7 E1 (1987)

**MINING**

- Game department has exclusive authority to negotiate leases on their land: SB 5999
- Parks, mining in state parks prohibited without legislative approval: SB 5275, SSB 5275
- Public lands, mining on public lands regulated: SB 5193, \*SSB 5193, CH 20 (1987)
- Recreational mining regulated: SB 5193, \*SSB 5193, CH 20 (1987)
- Study to be conducted of the coast and shoreline: SB 5533, SSB 5533
- Surface mining permits and fees, modifications: \*SHB 56, CH 258 (1987)

**MINI-STORAGE**

- B & O tax clarified: SHB 404, HB 916, HB 917, SB 5240
- Liens for owners of facilities: SB 5595

**MINKIN, MARLYN**

- Reappointed trustee, state school for the deaf,  
GA 9105, confirmed ..... pp. 514, 1503, 2448

**MINORITY AND WOMEN'S BUSINESS ENTERPRISES, OFFICE OF**

- AG given investigative/complaint process power: \*SB 5529, CH 328 (1987), SB 5566
- Certification by MWBE for other agencies available at cost: SB 5567
- Certification by MWBE office only: \*SB 5529, CH 328 (1987)
- Certification, false, regulated: SHB 20, SSB 5202, \*SB 5529, CH 328 (1987), SB 5566
- Council created to assist office: \*SB 5529, CH 328 (1987)

**MINORITY AND WOMEN'S BUSINESS ENTERPRISES, OFFICE OF—cont.**

- Disabled persons included as minorities: SB 5328
- Industrial development corporations, major revisions designed to help new and small businesses: HB 1124, SB 5398, SSB 5398, 2SSB 5398
- Investigation of complaints by director of MWBE with assistance of involved agency: SHB 20, SSB 5202, \*SB 5529, CH 328 (1987)
- Noncompliance, penalty increased: SHB 20, SSB 5202, \*SB 5529, CH 328 (1987), SB 5566
- Operating budget: \*SHB 1221, CH 7 E1 (1987)
- Small business concern, must be one to be eligible: SHB 20, \*SB 5529, CH 328 (1987), SB 5567
- Small business, required to meet certification: SHB 20, SB 5202, SSB 5202, \*SB 5529, CH 328 (1987)
- Sunset provisions: SHB 20, SB 5202, SSB 5202, \*SB 5529, CH 328 (1987)
- Women-controlled business: SHB 20, SSB 5202, \*SB 5529, CH 328 (1987), SB 5567

**MISDEMEANORS**

- Decriminalizing many misdemeanors, system of civil infractions established: \*2SHB 684, CH 456 (1987), SB 5083, SSB 5083

**MOBILE HOMES**

- Abandoned mobile homes located in trailer parks, abandonment defined: SB 5787, SSB 5787
- Age, prohibiting refusal or expulsion of home based on age: \*SB 5863, CH 253 (1987)
- Building codes, etc., for factory build housing: SSB 5375
- Collection of property taxes, clarification: \*HB 44, CH 155 (1987)
- Commission on mobile home rental space availability, study senior citizen impact, increase land that is available: SB 5076
- Comprehensive plan, notice to all residents when amendments may affect a mobile home park: SSB 5862
- Contractor registration, application to manufactured housing: \*SSB 5814, CH 313 (1987)
- Factory built housing, etc., account created for L & I fees for inspections and insignia fees: SB 5375, SSB 5375
- Installation and siting covered by consumer protection law: \*SSB 5814, CH 313 (1987)
- Landlords, unfair practices specified: SB 5600
- Mobile home park purchase fund established: \*SHB 995, CH 482 (1987), SB 5766
- Office of mobile home affairs created: SB 5767
- Office of mobile home and manufactured housing affairs, advisory committee established as well: SSB 5767
- Real estate licensees may sell mobile homes: SB 5133
- Relocation assistance, inclusion of mobile homes: SB 5864
- Rental charges for mobile home parks, rent control: SB 5601
- Sale of homes and parks, requirements established: SB 5602, SSB 5602
- Sales tax, procedures for collection by dealers and agents: SB 5858, \*SSB 5858, CH 89 (1987)
- Tenant remedies for violation of rental agreement: SB 5950
- Zoning: SB 5768, SSB 5768, SB 5852, SB 5870

**MODEL TRAFFIC ORDINANCE**

- Updating: \*SB 5034, CH 30 (1987)

**MONEY**

- Create, challenging the delegation of authority to create money, referendum 41: \*SB 5444, CH 246 (1987)

**MOORAGE FACILITIES**

- Public operators to establish charges which reflect private facility costs: SB 6043

**MOORE, GARY**

Member, state investment board,  
GA 9069, confirmed ..... pp. 37, 901, 988

**MOORE, SENATOR RAY**

Oath of office ..... p. 3  
Appointed member financial institutions, chair; judiciary and ways and means  
committees ..... p. 24  
Appointed interim member joint committee on pension policy ..... p. 2647

**MORGAN, HARRY E. JR.**

Reappointed member, higher education facilities  
authority, GA 9027, confirmed ..... pp. 30, 1501, 1839

**MORISSETTE, MARDY**

Junior girl scout introduced ..... p. 590

**MORRIS, WILLIAM G.**

Trustee, Clark community college district no. 14,  
GA 9092, confirmed ..... pp. 147, 935, 2409

**MORTGAGE BROKERS**

Licensing, registration board created: SB 5537  
Mortgage brokers practices act: \*SHB 80, CH 391 (1987), SB 5373

**MORTIMER, BILL**

Trustee, Lower Columbia community college district no. 13,  
GA 9057, confirmed ..... pp. 35, 932, 2407

**MORTON HIGH SCHOOL**

State class B boys basketball team introduced,  
SFR 1987-8634 ..... p. 925

**MOTELS**

Class M liquor license: SB 5947

**MOTION PICTURES**

Bidding for movies released in this state, fair opportunity: SB 5346, SSB 5346

**MOTOR FREIGHT CARRIERS**

Brokers regulated: SB 5844  
Driver qualifications: SB 5760  
Heavy trucks, ID required: SB 5877  
Hours of service equalized with common carriers: SB 5876  
Idaho requested to exempt nonresident common carriers employees from  
income tax: SJM 8013, SSJM 8013  
Idaho residents working in bordering Washington counties to pay tax: SB 5956  
Regulating: SB 5284, SB 5998  
Tax revisions for those who cross state lines: SJM 8012, SSJM 8012

**MOTOR VEHICLE TRANSPORTATION COMPANIES**

Assessment authority to county assessors instead of revenue department: \*HB 205,  
CH 153 (1987), SB 5239

**MOTOR VEHICLES**

Abstract fee increased to \$4: \*SSB 6016, CH 9 E1 (1987)  
Accident record only if driver at fault: SB 5114  
Accidents, failure to report, driver's license suspension is discretionary versus  
mandatory: HB 280  
Accidents, security deposit provisions, property damage thresholds revised: \*SHB  
83, CH 463 (1987), SSB 5114  
Alcohol and gas are not to be sold concurrently: SB 5397  
Auctions, part of farm or estate sale, requirements: SB 6054  
Blood alcohol or breath alcohol tests for alcohol content authorized: \*HB 1049, CH  
373 (1987)

**MOTOR VEHICLES—cont.**

- Consular license plates: SB 5423, \*SSB 5423, CH 237 (1987)  
 County auditors acting as licensing agents, fees and protection increased: \*SB 5120, CH 302 (1987)  
 Dealers, escrow account satisfies bonding requirement: SB 5706  
 Disabled vehicles, reflectorized warnings required: \*SB 5245, CH 226 (1987)  
 Disclosure of registration information, notice of this action to be sent to vehicle owner: \*SHB 244, CH 299 (1987)  
 Drinking and driving, traffic safety commission to develop a state-wide program: SB 5843  
 Driver qualifications review panel created: SB 5354  
 Driver's license, expired, penalty fee for late renewal: HB 254  
 Driver's license suspension for failure to report an accident is discretionary instead of mandatory: HB 280  
 Driver's license suspension for failure to respond twice: SSB 5850  
 Driver's licenses, persons under 21, distinguishing features: \*SHB, 83, CH 463 (1987), HB 292  
 Drivers' licenses, protecting information: SB 5718  
 Driver's licenses, suspensions, hearings eliminated in certain instances: HB 294  
 Driver's records, information requirements changed: SB 5325  
 Driving record abstract fee increased: SHB 638  
 Driving records may be obtained by approved alcohol and drug treatment programs: \*SHB 415, CH 181 (1987)  
 Driving schools regulated: SB 5578  
 Driving without a license, revisions: \*2SHB 196, CH 388 (1987)  
 Energy waste as a traffic infraction: SB 5535  
 Excise tax, additional excise tax imposed: \*SSB 6016, CH 9 E1 (1987)  
 Excise tax determination of unlisted vehicles: SB 5878  
 Excise tax, unpaid due licensing in another jurisdiction, collection of tax, interest, and penalties: \*HB 947, CH 260 (1987)  
 Excise taxes levied only for actual license period: SB 5107, \*SSB 5107, CH 235 (1987)  
 Fees paid with bad checks, collection and restitution procedure: \*SB 5120, CH 302 (1987)  
 Ferry system funding from ferry revenues and motor vehicle funds: HB 308  
 Financial responsibility amounts increased: SHB 868  
 Financial responsibility, security deposit filing time period extended: \*HB 279, CH 378 (1987)  
 Financial responsibility, time period for providing proof extending: \*HB 277, CH 371 (1987)  
 Fund transfer from grade crossing protective fund to motor vehicle fund: \*HB 1123, CH 257 (1987)  
 Gas and alcohol are not to be sold concurrently: SB 5397  
 Hulk haulers may verify ownership from DOL records: \*SB 5348, CH 62 (1987)  
 Ignition interlocks on alcohol offender cars: \*HB 663, CH 247 (1987), SB 5233, SSB 5233  
 Implied consent law, revisions: \*HB 295, CH 22 (1987)  
 Impoundment, damages and costs awards for invalid vehicle impoundment: HB 883  
 Impoundment, etc., procedures revised: SB 5124, \*SSB 5124, CH 311 (1987)  
 Impoundment of vehicles from parking lots prohibited: SB 5363  
 Insurance, financial responsibility mandatory, insurance, bond, certificate of deposit, or self-insurance: SB 5516  
 Insurance, insurers writing collision and comprehensive policies must also offer financing coverage: \*HB 310, CH 240 (1987)  
 Insurance mandatory or a bond or security: SB 5361  
 Insurance, operation of vehicle without insurance, traffic infraction: SHB 1175  
 Insurance or bond required: SB 5115, SSB 5115, SB 5118



**MOTOR VEHICLES—cont.**

- Insurance policies covering comprehensive and collision to also cover liability: SHB 240
- Insurance policies required to provide personal injury protection benefits: SHB 511
- Insurance, policy inclusions set forth, mandatory insurance: SB 5361
- Insurance premium reductions for vehicles using running lights: \*SHB 920, CH 320 (1987)
- Insurance rate increase based on abstract prohibited unless party at fault: SSB 5114, \*SSB 5850, CH 397 (1987)
- Insurance rate reduction if auto has an anti-theft device: SB 5116
- Insurance, rates based on anti-theft devices: \*SHB 920, CH 320 (1987)
- Insurance, senior citizens premiums reduced via education courses, revisions: \*HB 985, CH 377 (1987)
- Insurance, service contracts regulated: \*SSB 5779, CH 99 (1987)
- Insurance, underinsured coverage strengthened: SHB 402, SB 5855
- Insurance, vehicle mechanical breakdown insurers, regulating: SB 5779, \*SSB 5779, CH 99 (1987)
- Interest rates on retail installment sales, charges revised: \*SB 5948, CH 318 (1987)
- IRP, revisions: \*SB 5605, CH 244 (1987)
- License fees increased: \*SSB 6016, CH 9 E1 (1987)
- License plates, centennial license plates, revenue revisions regarding fees, etc.: \*HB 261, CH 178 (1987)
- License plates, Pearl Harbor survivors: SB 5136, \*SB 5136, CH 44 (1987)
- License plates, reflectorized material: \*SB 5277, CH 52 (1987)
- License plates, special consular license plates: SB 5423, \*SSB 5423, CH 237 (1987)
- License plates to be marked for violators of driving without a license: \*2SHB 196, CH 388 (1987)
- License plates to spouses of deceased POWs: SB 5047, \*SSB 5047, CH 98 (1987)
- Licensing in another jurisdiction, collection of tax, interest, and penalties: \*HB 947, CH 260 (1987)
- Livestock collisions, presumption of livestock's negligence removed: SB 5171
- Loans, service charge on retail installment sales limited: SHB 366
- Model traffic ordinance updated: \*SB 5034, CH 30 (1987)
- Motor vehicle fund uses, chip-sealing, seal-coating: \*HB 825, CH 234 (1987)
- New motor vehicle arbitration board established: SB 5502, \*SSB 5502, CH 344 (1987)
- Ocean beaches, management program authorized: SB 5434, SSB 5434
- Odometer tampering: SB 5455
- Out-of-state residents to post bail for traffic infractions: SB 5061, \*SSB 5061, CH 345 (1987), SB 5284, SB 5998
- Ownership transfer, waiver of penalty assessments for late transfer: \*HB 255, CH 127 (1987)
- Proportional vehicle registration, procedures revised: \*SB 5605, CH 244 (1987)
- Reflectorized warning devices required on aircraft and disabled vehicles: SB 5548
- Reflectorized warnings for disabled vehicles: \*SB 5245, CH 226 (1987)
- Registration, residency and nonresidency clarified: \*SHB 585, CH 142 (1987)
- Running lights, insurance premium reductions for vehicles use: \*SHB 920, CH 320 (1987)
- Scrap processor may verify ownership from DOL records: \*SB 5348, CH 62 (1987)
- Service charge on retail installment sale limited: SHB 366
- Service contracts regulated: \*SSB 5779, CH 99 (1987)
- Speed limit, if 55 MPH limit is repealed, WSDOT authority to set limit is terminated regarding conservation: SB 5481
- Speed limit increased to federal maximum where appropriate: \*SSB 5850, CH 397 (1987)
- Speed limit, major revisions, basic speed rule: SB 5850
- Speeding, energy resource violations excluded from insurance abstracts: SB 5850

**MOTOR VEHICLES—cont.**

- Speeding, energy waste as a traffic infraction: SB 5535
- Tires, full size required for spares: SB 6026
- Traffic infractions, failure to respond twice, suspension: SSB 5850
- Traffic offenses, failure to comply with laws, gross misdemeanor: SB 5061, \*SSB 5061, CH 345 (1987)
- Traffic offenses, probable cause, information from another officer sufficient: \*SB 5062, CH 66 (1987)
- Traffic safety programs funded through tax on insurance premiums: SB 5843
- Transportation budget: \*SSB 6076, CH 10 E1 (1987)
- Trucks and for hire vehicles, license surcharge imposed: \*SSB 6016, CH 9 E1 (1987)
- Underinsured coverage, exception to coverage modified: SB 6034
- Unlicensed drivers, unlawful for others to allow them to use motor vehicle: \*2SHB 196, CH 388 (1987)
- Vanpool laws revised: \*HB 559, CH 175 (1987)
- Vehicle homicide, seriousness level revised: SB 5775
- Warranties, enforcement provisions: SB 5502, \*SSB 5502, CH 344 (1987)
- Warranties, what the 30 day period does not include: SSB 6046

**MOTORCYCLES**

- Child passengers, no rider under 5, between 5 and 12 need helmet: SB 5052
- Children under 5 prohibited from being passengers: \*HB 161, CH 454 (1987)
- Endorsement fees increased: \*HB 161, CH 454 (1987)
- Helmets required for riders under 18: \*HB 161, CH 454 (1987)
- Out-of-state residents' boats, motorcycles, and airplanes brought into this state are use tax exempt: SB 5498
- Voluntary motorcycle education program to be developed: \*HB 161, CH 454 (1987)

**MOUNTAIN CARIBOU**

- Poaching fine of \$5,000: \*2SHB 758, CH 506 (1987)

**MOVING EXPENSES**

- State employee moving expenses, payment regulated: SB 5300, SSB 5300

**MT. SI**

- Natural resources conservation areas, designation process: SB 5322, SSB 5322, \*SSB 5911, CH 472 (1987)

**MT. ST. HELENS**

- Fish collection facility at the sediment retention site: \*2SHB 758, CH 506 (1987), SB 5338, SSB 5338
- Toutle River, operating budget: \*SHB 1221, CH 7 E1 (1987)

**MUNICIPAL RESEARCH COUNCIL**

- Operating budget: \*SHB 1221, CH 7 E1 (1987)

**MURDER**

- Child abuse: SB 5089, \*SSB 5089, CH 187 (1987)
- Controlled substances, class B felony: \*HB 1228, CH 458 (1987)
- Drugs, controlled substances homicide, class B felony: \*HB 1228, CH 458 (1987), SB 5070, SSB 5070, SB 5362
- Juveniles, adult jurisdiction: SB 5661

**MURDOCK, SHANNON**

- Secretary, future farmers of America introduced ..... p. 415

**MUSHROOMS**

- Commercial harvesting requires permits: SB 5137

**MUSIC**

- Property tax exemption modified: SB 5345, SSB 5345

**MUSIC—cont.**

Property taxes, leased or rented property qualifies for exemption: \*HB 1087, CH 468 (1987)

**NADDY III, JOHN F.**

Trustee, state school for the blind, GA 9152 ..... p. 2707

**NASA ASTRONAUT**

David Griggs introduced and addressed senate ..... p. 1315

**NATIONAL GUARD**

Immunity for acts done while training or during duty: SB 5262

Liability of state revised: \*SHB 98, CH 26 (1987)

PERS credit: SB 5525

**NATIVE AMERICANS**

Children, placement, revisions: \*2SHB 480, CH 170 (1987), SB 5540, SSB 5540

Puyallup tidelands, operating budget: \*SHB 1221, CH 7 E1 (1987)

**NATURAL DEATH ACT**

Revisions: SB 5401, SSB 5401, SB 5696

**NATURAL GAS**

Kern River pipeline, FERC approval requested: SJM 8011

**NATURAL RESOURCES, DEPARTMENT OF**

Building, lease authority revised for new building: SB 6073

Capital budget: \*SHB 327, CH 6 E1 (1987)

Commissioner of public lands, term of office, commencement date revised: SB 5011

Counter-cyclical employment program, operating budget: \*SHB 1221, CH 7 E1 (1987)

Department of state resources created: SB 5027

Disputes, grants for mediation authorized: SHB 12

Fire fighters, respiratory disease presumed to be occupationally related: \*SSB 5801, CH 515 (1987)

Fire fighters, volunteers, liability of DNR restricted: SB 5311, SSB 5311

Fire history of Washington state, history of slash burning, DOE, UW, DNR, and energy office: SSB 5853

Forest fires, DNR required to make forest fires a first priority response: SB 5442

Game commission lands transferred to DNR: SB 5153

Gubernatorial appointment of commissioner: SJR 8200

Lands, certain lands transferred to parks and recreation commission: SHB 550, \*SSB 5439, CH 466 (1987)

Maps and surveys, DNR is designated as source: SB 5439, \*SSB 5439, CH 466 (1987)

Milwaukee road corridor, definition changed: SB 5729, SSB 5729

Milwaukee road under DNR control to be managed as a recreational trail: SB 5730, SSB 5730

Mushroom harvesting, commercial, requires permits: SB 5137

Natural resources conservation areas, designation process: SB 5322, SSB 5322, \*SSB 5911, CH 472 (1987)

Natural resources conservation areas, real estate excise tax to fund purchase: \*SSB 5911, CH 472 (1987)

New department created, department of state resources: SB 5027

Public land permanent funds, investment authorized: \*SJR 8212 (1987)

Real estate excise tax proceeds to conservation area account: \*SSB 5911, CH 472 (1987)

Relocation to new building, out of Cherberg building by February 29, 1988, operating budget: \*SHB 1221, CH 7 E1 (1987)

Saltwater net pens, demonstration and study by DNR: SB 5122, SSB 5122

Slash burns regulated: SB 5853

Smoke management plan to be reviewed by DNR and DOE: SSB 5853

**NATURAL RESOURCES, DEPARTMENT OF—cont.**

Special fuel, exempt from taxation if part of a logging operation on federal land:

\*HB 24, CH 294 (1987), SB 5932

State land, exchange programs modified: \*SHB 522, CH 113 (1987), SB 5438

Study DNR lands for transfer for public recreation purposes: SHB 550, \*SSB 5439, CH 466 (1987)

Surface mining permits and fees, modifications: \*SHB 56, CH 258 (1987)

Sustainable harvest, determinations modified: \*SHB 55, CH 159 (1987), SB 5563

Tidelands, leasing lands for hydraulic harvesting of subtidal hardshell clams: \*SHB 928, CH 374 (1987)

Timber, sale of damaged timber: \*HB 1027, CH 126 (1987)

Violations, decriminalizing, infraction procedures: \*SHB 170, CH 380 (1987)

**NATUROPATHIC PHYSICIANS**

Naturopathic advisory committee created: SB 5219

Regulating: SHB 143, SB 5219, \*SSB 5219, CH 447 (1987)

**NAVIGABLE WATERS**

Uniform waterway marking system of nonnavigable waters: SB 5846, \*SSB 5846, CH 427 (1987)

**NAVY HOME PORT**

Funds to offset the impact on Everett: \*SHB 611, CH 272 (1987)

Land conveyance for Everett home port dredge spoils: SB 5604, \*SSB 5604, CH 271 (1987)

Navigation shall not be obstructed in the harbor area: \*SHB 611, CH 272 (1987)

Tideland exchange for Navy base: SB 5687

**NEGLIGENCE**

Livestock's presumed negligence concerning motor vehicle collisions removed: SB 5171

Negligence per se, provisions revised: SB 5305

**NELSON, SENATOR GARY A.**

Oath of office ..... p. 3

Appointed member energy and utilities, judiciary and transportation committees p. 24

Point of order, consideration of upcoming amendments,

SHB 609 ..... p. 1707

Parliamentary inquiry, clarification of free conference reports, 2SHB 684 . p. 2357

Appointed interim member joint committee on pension policy, condominium, legislative budget committees ..... pp. 2647, 2648

**NEUROLEPTIC DRUGS**

Side effect warning required: SB 5860

**NEWHOUSE, SENATOR IRV**

Oath of office ..... p. 3

Second nomination of Sid Snyder as secretary of the senate ..... p. 5

Appointed member of judiciary and rules committees ..... p. 24

Parliamentary inquiry, majority of votes needed, SHB 984 ..... p. 995

Point of order, amendment to ESHB 25 ..... p. 1033

Point of order, amendment to HB 827 ..... p. 1090

Point of order, amendment to ESHB 341 ..... p. 1272

Point of order, amendment to HB 220 ..... p. 1446

Amendment to committee amendment properly before senate,

SHB 274 ..... p. 1513

Parliamentary inquiry, question on scope and object,

ESHB 454 ..... p. 1692

Point of order, amendment not timely, ESHB 454 ..... p. 1703

Motion to suspend senate rule 52 for remainder of session ..... p. 1713

Point of order, issue being addressed ..... p. 2090

Point of order, amendment to E2SHB 527 ..... p. 2092

**NEWHOUSE, SENATOR IRV—cont.**

- Point of order, amendment to amendment to E2SHB 527 ..... p. 2129
- Points of order, suspension of rules, E2SHB 527 ..... p. 2130
- Point of order, conference report properly before senate,  
SSB 5854 ..... p. 2372
- Parliamentary inquiry, question conference committee appointments, ESHB 1221  
p. 2532
- Personal privilege, conference committee appointments,  
ESHB 1221 ..... p. 2532
- Appointed interim member, revising the judicial council, joint legislative ethics  
board, organized crime advisory board, committee on energy and utilities p.  
2648

**NEWSPAPERS**

- Carriers are not responsible for collection of bills: SB 6014

**NIEMI, SENATOR JANICE**

- Appointment letter ..... p. 2692

**NOEL, ANN H.**

- Member, state gambling commission,  
GA 9012, confirmed ..... pp. 27, 858, 2446

**NOISE POLLUTION**

- Action under state law does not preclude local enforcement: \*SSB 5389, CH 103  
(1987)
- Cedar Hills landfill, phasing out: SB 5068
- Local government requirements revised regarding DOE prior approval: SB 5389,  
\*SSB 5389, CH 103 (1987)
- Transportation budget, study noise abatement: \*SSB 6076, CH 10 E1 (1987)
- Violations of state noise law, local government to impose penalty: \*SSB 5389, CH  
103 (1987)

**NONHEARSAY**

- Defining nonhearsay statements: SB 5066

**NONPOINT POLLUTION**

- Agriculture activities, remedies: SHB 543

**NONPROFIT CORPORATIONS**

- Broker's trust account board, form real estate foundation: SB 5848, SSB 5848
- Disclosure of financial activities: SB 5717
- Disclosure of profit activities: SB 5683
- Historic preservation: \*SB 5747, CH 341 (1987)
- Immunity, revisions: SB 6048, \*SSB 6048, CH 212 (1987)
- Liability of directors limited: SB 5141
- Revisions regarding incorporation, reinstatement, fees: \*HB 520, CH 117 (1987)
- Study reporting requirements: \*SSB 5717, CH 190 (1987)
- Tourism, etc., public funds received by nonprofits is tax exempt: SB 5521
- Vocational technology center, public nonprofit corporation to be formed by  
Governor: \*SB 5996, CH 492 (1987)

**NONPROFIT ORGANIZATIONS**

- Camping, conferences, recreation services, money received is tax exempt: SB  
6002, SSB 6002
- Open public meetings act applies to those that administer state funds: SB 5492
- Open public meetings act, study citizen review opportunities of organizations  
that receive state funds: SSB 5492
- Politically active organizations must do public disclosure: SB 5186
- Property tax exemption modified, does not need to be irrevocably dedicated: SB  
5345
- Property tax exemption modified, production or performance versus production  
and performance: SB 5345

**NONPROFIT ORGANIZATIONS—cont.**

Property tax exemption, performance arts, leased or rented property qualifies for exemption: \*HB 1087, CH 468 (1987)  
 Student loan guarantee agencies, tax exemption: \*HB 1090, CH 433 (1987)

**NORDIC HERITAGE MUSEUM**

Capital budget: \*SHB 327, CH 6 E1 (1987)

**NORTHCROFT, GEORGE E.**

Trustee, Bellevue community college district no. 8,  
 GA 9078, confirmed ..... pp. 39, 971, 2136

**NORTHSHORE PAGEANT**

Pageant court introduced ..... p. 1539

**NOTARIES**

Disabled persons may direct notaries to make acknowledgement: \*SB 5327, CH 76 (1987)

Disabled persons, procedure for acknowledgement of documents: SB 5949

**NOXIOUS WEEDS**

Provisions modified: \*SHB 648, CH 438 (1987), SB 5785

**NUCLEAR MEDICINE TECHNOLOGISTS**

Certifying: \*SHB 134, CH 412 (1987), SB 5064, SSB 5064

**NUCLEAR POWER (See also HAZARDOUS MATERIALS)**

BPA, prohibiting sale: \*SJM 8005 (1987)

Conservation as a source of electrical energy for joint operating agencies: \*HB 541, CH 376 (1987)

Energy facility site evaluation, certification, definitions revised regarding transmission facilities: SB 5372

Energy facility site evaluation, construction includes suspension of construction: SB 5213, SSB 5213

Energy facility site evaluation, federal facilities, compliance with substantive state siting standards: SB 5372, SSB 5372

Energy facility site evaluation, rules for expedited processing based on reduced risk to physical and social environment: SB 5372

**NUISANCES**

Burning permits, fire districts may revoke to protect life, property or in nuisance situations: \*SSB 5318, CH 21 (1987)

Crack houses and the like, abatement: SB 5070, SSB 5070

Drug houses: SHB 692

Drugs, knowledge language revised regarding controlled substances: SHB 692

**NURSERY DEALERS**

Assessments modified, northwest nursery fund revisions: SB 5170, \*SSB 5170, CH 35 (1987)

License fee modified: SB 5170, \*SSB 5170, CH 35 (1987)

**NURSES**

Child abuse, DSHS to contract with 45 nurses to provide intervention services: 2SHB 586

Nurse/patient privilege extended to duties with osteopathic physicians: \*SB 5412, CH 198 (1987)

**NURSING HOMES**

Assault on adult dependent persons, witnesses to report: \*2SHB 586, CH 503 (1987), SSB 5065

Closure, operation requirements modified, receivership: SB 5489

Criminal mistreatment classified for sentencing purposes: \*HB 753, CH 224 (1987)

Criminal mistreatment, substantial bodily harm redefined: SB 5449

Employees, DSHS to establish a wage scale: SB 5544, SSB 5544

**NURSING HOMES—cont.**

- Hospital beds, excess to be used for nursing home care, Congress petitioned: SJM 8007
- Investment allowance return, changed for facilities leased in an arms-length agreement: SB 5758
- Licenses, violations relating to, penalties: SB 5489
- Long-term care ombudsman office moved to AG, advisory committee created: SB 5270
- Long-term care ombudsman, revisions, local duties created, office created in DSHS: SB 5614
- Long-term care ombudsman, study office, volunteer long-term ombudsman requirements: \*SHB 697, CH 158 (1987)
- Long-term care to be addressed by DSHS, demonstration projects: SSB 5453, \*2SSB 5453, CH 409 (1987)
- Malicious reporting of abuse, penalties imposed: SHB 608, SB 5707
- Nursing services, revisions: \*2SHB 1006, CH 476 (1987), SB 6011
- Overpayment of benefits to vendors and recipients, recovery modified: \*SHB 274, CH 283 (1987), SB 5341
- Receivership process: SB 5489
- Receiverships, petition process: \*2SHB 1006, CH 476 (1987), SB 6011
- Reimbursement, enhancement cost center: SB 5544, SSB 5544
- Reimbursement of nursing homes that contract with DSHS as homes for the mentally retarded: SHB 970
- Renovation and replacement, rate adjustments: \*2SHB 1006, CH 476 (1987), SB 6011
- Respite care services, enhanced: SHB 524, SB 5453, SSB 5453, \*2SSB 5453, CH 409 (1987)
- Retaliatory action prohibited against persons who communicate with long-term care ombudsman: SB 5270
- Retirement care communities, regulating: SB 5854, SSB 5854
- Wages, DSHS appropriation for nonadministrative wages and benefits enhancement: \*HB 1260, CH 1 E2 (1987)
- Wages for employees to meet certain standards: \*2SHB 1006, CH 476 (1987), SB 6011

**NUTRITIONISTS**

- Certification: SB 5669

**OCCUPATIONAL THERAPY**

- Medical assistance programs may cover: SB 5259, SSB 5259

**OCEAN BEACHES**

- Management program authorized: SB 5434, SSB 5434
- Ocean beach management, temporary plans authorized: SB 6057

**OCEAN RESOURCES**

- Assessment, preparation of an ocean resource assessment: SB 5533, \*SSB 5533, CH 408 (1987)
- Marine and ocean resources, joint committee created: SHCR 4407, SCR 8406
- Oil and mineral exploration off the coast, study, operating budget: \*SHB 1221, CH 7 E1 (1987)
- State-wide policies by DOE for managing the offshore environment: SB 5820
- Study to be conducted of the coast and shoreline: SB 5533, SSB 5533

**ODOMETERS**

- Tampering: SB 5455

**OFFICE OF FINANCIAL MANAGEMENT**

- Richard A. Davis, director, GA 9146 ..... p. 2706
- Capital budget: \*SHB 327, CH 6 E1 (1987)
- Capital budget plan reviews: SB 6055, SSB 6055
- Community college salary review, operating budget: \*SHB 1221, CH 7 E1 (1987)

**OFFICE OF FINANCIAL MANAGEMENT—cont.**

- Corrections standards board duties transferred to OFM, DSHS, and corrections department: \*SHB 738, CH 462 (1987)
- Operating budget: \*SHB 1221, CH 7 E1 (1987)
- School facilities, inventory by OFM, operating budget: \*SHB 1221, CH 7 E1 (1987)

**OFFICE-INTENSIVE JOBS**

- Rural development studies, DCD directed to conduct, heavy telecommunications emphasis: \*SHB 373, CH 293 (1987)

**OFFICERS' ROW**

- Capital budget: \*SHB 327, CH 6 E1 (1987)

**OIL AND GAS**

- Arctic national wildlife refuge coastal plain, request that the area be opened to exploitation: SJM 8015
- Coastal exploration, study by UW, operating budget: \*SHB 1221, CH 7 E1 (1987)
- Ford, Donald, appointed to conservation committee: SGA 9028
- Game department has exclusive authority to negotiate leases on their land: SB 5999
- Martinez, Simon, appointed to the committee: SGA 9122
- Motor fuel inspections: SB 6059
- Study to be conducted of the coast and shoreline: SB 5533, SSB 5533

**OIL AND GAS CONSERVATION COMMITTEE**

- Donald M. Ford, reappointed member,  
GA 9028, confirmed ..... pp. 30, 185, 564
- Simon Martinez, reappointed member, GA 9122 ..... p. 1697

**OIL PRODUCTS**

- Delivery trucks to have meters and supply receipts: SB 5565, \*SSB 5565, CH 42 (1987)
- Environmental excellence awards for labelling of products authorized by DOE: \*SB 5051, CH 67 (1987)
- Hazardous materials, site cleanup responsibility: SB 6085, CH 2 E3 (1987)
- Motor fuel inspections: SB 6059

**OIL SPILLS**

- Bunkering and lightering operations to have containment and recovery equipment: SB 5986, SSB 5986, \*2SSB 5986, CH 479 (1987)
- Damage assessment study, methods and costs: SB 5986, SSB 5986, \*2SSB 5986, CH 479 (1987)
- Funding for a comprehensive program requested: \*SJM 8008 (1987)
- Model contingency plan: \*2SSB 5986, CH 479 (1987)
- Obstruction of navigable waters in course of clean up is not a navigation impediment: \*2SSB 5986, CH 479 (1987)
- Study by department of ecology, operating budget: \*SHB 1221, CH 7 E1 (1987)

**OKANOGAN COUNTY**

- Winter recreation, operating budget: \*SHB 1221, CH 7 E1 (1987)

**OLYMPIC COMMUNITY COLLEGE DISTRICT NO. 3**

- Ernest M. Conrad, trustee, GA 9111, confirmed ..... pp. 565, 971, 2450

**OLYMPIC NATIONAL PARK**

- Keystone Spit land exchange: \*SHB 1098, CH 274 (1987)

**OLYMPICS**

- Sportsmen's commission to develop an Olympic quality facility for archery, trap shooting, etc.: SB 5394, SSB 5394

**ONALASKA HIGH SCHOOL**

- State B champion boys' football champions introduced  
SFR 1987-8635 ..... p. 937



**OMNIBUS APPROPRIATIONS ACT**

Adopting: SHB 527

Operating budget adopted: \*SHB 1221, CH 7 E1 (1987)

**ONALASKA HIGH SCHOOL**

State B champion boys football champions introduced

SFR 1987-8635 ..... p. 937

**OOKA, CARL M.**

Reappointed member, state lottery commission, GA 9153 ..... p. 2707

**OPEN PUBLIC MEETINGS**

Nonprofit organizations who administer state funds are subject to law: SB 5492

Nonprofit organizations who administer state funds, study citizen review opportunities: SSB 5492

Western library network, limited exemption: \*HB 135, CH 389 (1987)

**OPERATING BUDGET**

Budget adopted: \*SHB 1221, CH 7 E1 (1987)

**OPIUM DENS**

Language revised: SHB 692

**OPTIONS**

Commodity brokers, license revisions: \*SB 5178, CH 243 (1987)

**OPTOMETRY**

Drug authority modified: SB 6029

Drugs, use and education prerequisite modified: SB 5967, SB 6029

Health care contracts to cover optometry services: SB 6029

Pharmacists may fill optometrists' prescriptions: SB 6029

**ORCAS ISLAND**

DNR lands, certain transferred to the parks and recreation commission: SHB 550

**OREGON**

Puget Island-Westport ferry, revising the reimbursement formula: \*SB 5159, CH 368 (1987)

Teacher certification, discuss other states methods, reciprocity: \*SB 5433, CH 40 (1987)

**ORGAN DONATIONS**

UCC, no implied warranty: SB 5830, \*SSB 5830, CH 84 (1987)

**ORGANIC FOOD**

Certification program for producers: \*SHB 353, CH 393 (1987)

**ORGANIZED CRIME ADVISORY BOARD**

Member qualification revised: SB 5106, \*SSB 5106, CH 65 (1987)

**OSBORN BAY**

DNR lands, certain transferred to the parks and recreation commission: SHB 550

**OSTEOPATHIC MEDICINE**

Students, compact-authorized program, selection of students authorized: SB 5336

**OSTEOPATHIC PHYSICIANS**

Nurse/patient privilege extended to duties with osteopathic physicians: \*SB 5412, CH 198 (1987)

**OUTDOOR RECREATION**

Interagency committee for outdoor recreation, extending: \*SB 5035, CH 425 (1987)

Urban area parks, special lottery proceeds to the outdoor recreation account: SB 5273

**OWEN, SENATOR BRAD**

Oath of office ..... p. 3

Nomination of O. F. "Ole" Scarpelli as sergeant at arms ..... p. 6

**OWEN, SENATOR BRAD—cont.**

Appointed member natural resources, chair; energy and utilities, vice chair and ways and means committees .....	p. 24
Point of order, house amendments to ESSB 5439 .....	p. 1828
Point of order, house amendment to ESCR 8406 .....	p. 1829
Motion to suspend joint rule 11, E2SHB 758 .....	p. 2360
Point of order, free conference report, ESCR 8406 .....	p. 2363
Appointed interim member joint committee on marine and ocean resources .. p. 2748	
Reappointed member, Pacific marine fisheries commission, GA 9165 .....	p. 2709

**PACIFIC CELEBRATION**

Fund established: SB 5643

**PACIFIC MARINE FISHERIES COMMISSION**

Brad Owen, reappointed member, GA 9165 .....	p. 2709
Robert D. Alverson, reappointed member, GA 9174 .....	p. 2711

**PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL**

Kai N. Lee, member, GA 9099, confirmed .....	pp. 254, 971, 1752
William T. Trulove, member, GA 9022, confirmed .....	pp. 29, 970, 2231

**PACKWOOD TRUST PROPERTY**

DNR lands, certain transferred to the parks and recreation commission: SHB 550, \*SSB 5439, CH 466 (1987)

**PAIN**

Substantial pain defined: \*SB 5546, CH 324 (1987)

**PAINTS**

Environmental excellence awards for labeling of products authorized by DOE: \*SB 5051, CH 67 (1987)  
 Spray paint, minors may not possess: SSB 5145  
 Tributyltin regulated: SB 5978, \*SSB 5978, CH 334 (1987)

**PAO, DR. YIH-HO (MICHAEL)**

Member, small business export financial assistance board of directors, GA 9019, resigned .....
 p. 28 |

**PAPER**

Recycled paper products given priority for state use: SB 5376, SSB 5376

**PARDINI, A. J. "BUD"**

Member, utilities and transportation commission, GA 9164 .....
 p. 2709 |

**PARENTING**

Better parenting through literacy: \*2SHB 456, CH 518 (1987), SB 5476, SSB 5476, SB 5629  
 Children and family services division, accountability boards established: SB 5386, 2SSB 5659  
 Children and family services pilot project, comprehensive system state-wide by 1990, continuum of services: \*2SHB 586, CH 503 (1987), SB 5553, SSB 5553, 2SSB 5553  
 Foster parent training as part of foster care program: \*2SHB 586, CH 503 (1987)  
 Joint parenting as a preference for separated or divorced parents: SB 5255  
 Parenting act of 1987, parenting plans: SB 6037  
 Provisions revised: \*SHB 48, CH 460 (1987)

**PARK DISTRICTS**

Commissioner terms reduced to 4 years: \*SHB 313, CH 53 (1987)  
 Loans from public agencies, loan agreements and debtor/creditor obligations set forth: \*SHB 263, CH 19 (1987)  
 Metropolitan park districts, treasurer designation: \*HB 194, CH 203 (1987)

**PARKING**

Condominium definition includes parking stalls: HB 1092, \*SSB 5825, CH 383 (1987), SB 5891

**PARKING LOTS**

Impoundment of vehicles from parking lots prohibited: SB 5363

**PARKS AND RECREATION COMMISSION**

Queenie Allado, member, GA 9002, confirmed . . . . . pp. 25, 409, 449  
 Richard G. Dixon, member, GA 9001, confirmed . . . . . pp. 25, 409, 449  
 Glenna S. Hall, member, GA 9045, confirmed . . . . . pp. 33, 443, 989  
 Moyes Lucas, member, GA 9008, confirmed . . . . . pp. 26, 410, 563  
 Edward T. Luders, member, GA 9000, confirmed . . . . . pp. 25, 409, 449  
 John L. Shreve, member, GA 9100, confirmed . . . . . pp. 254, 443, 1979  
 Melvin D. Wortman, member, GA 9101, confirmed . . . . . pp. 254, 443, 1979  
 Boating accident reporting: \*SSB 5846, CH 427 (1987)  
 Boating safety assessment: SB 5846, \*SSB 5846, CH 427 (1987)  
 Boats, uniform waterway marking system of nonnavigable waters: SB 5846, \*SSB 5846, CH 427 (1987)  
 Camping clubs regulated: SB 5697  
 Capital budget: \*SHB 327, CH 6 E1 (1987)  
 Department of state resources created: SB 5027  
 Development in parks, legislative approval required for mining and hydroelectric development: SB 5275, SSB 5275  
 DNR lands, certain transferred to commission: SHB 550, \*SSB 5439, CH 466 (1987)  
 Hydroelectric development prohibited without legislative approval: SB 5275, SSB 5275  
 Milwaukee road corridor, definition changed: SB 5729, SSB 5729  
 Milwaukee road under DNR control to be managed as a recreational trail: SB 5730, SSB 5730  
 Mining prohibited without legislative approval: SB 5275, SSB 5275  
 Money from certain sales in park to go to park improvement account: SB 5104, \*SSB 5104, CH 225 (1987)  
 Nonprofit organizations, use of parks by, procedure revised: SB 5104, \*SSB 5104, CH 225 (1987)  
 Ocean beach management, temporary plans authorized: SB 6057  
 Ocean beaches, management program authorized: SB 5434, SSB 5434  
 Olympic peninsula, Keystone Spit, land exchange: \*SHB 1098, CH 274 (1987)  
 Operating budget: \*SHB 1221, CH 7 E1 (1987)  
 Parks improvement account created for deposit of money from certain sales in park: SB 5104, \*SSB 5104, CH 225 (1987)  
 Public works, certain agencies, competitive bid and advertisement threshold modified: \*SB 5522, CH 218 (1987)  
 Study DNR lands for transfer for public recreation purposes: SHB 550, \*SSB 5439, CH 466 (1987)  
 Urban area parks, special lottery proceeds to the outdoor recreation account: SB 5273

**PARLIAMENTARY INQUIRY**

Amendments divided, SB 5401 (Pullen) . . . . . p. 519  
 Procedure on limited debate (McCaslin) . . . . . p. 738  
 Order of amendment, SB 5529 (Pullen) . . . . . p. 784  
 Majority of votes needed, SSB 6062 (Wojahn) . . . . . p. 813  
 Ready for ruling, SB 5744 (Vognild) . . . . . p. 850  
 Order of amendment, SSB 5456 (Lee) . . . . . p. 907  
 Majority of votes needed, SHB 984 (Newhouse) . . . . . p. 995  
 Order of amendments, ESHB 26 (Talmadge) . . . . . p. 1189  
 Majority of votes needed, SHB 1165 (Rasmussen) . . . . . p. 1332  
 Order of amendments, SHB 1158 (Wojahn) . . . . . p. 1457  
 Notice of reconsideration not timely, ESHB 26 (West) . . . . . p. 1470  
 Votes needed for suspension of rules, ESHB 26 (Pullen) . . . . . p. 1476

**PARLIAMENTARY INQUIRY—cont.**

Order of business, E2SHB 586 (Lee)	p. 1498
Question on scope and object, ESHB 454 (Newhouse)	p. 1692
Rules on suspending senate rule 52 (Rasmussen)	p. 1713
Amendment to ESHB 451 (Tanner)	p. 1740
Question on point of order, SHB 692 (Pullen)	p. 1745
Clarification of amendments, EHB 877 (Bottiger)	p. 1749
Status of EHB 823 (Pullen)	p. 1752
Procedure for call of the senate (Pullen)	p. 1889
Suspension of Reed's rules, E2SHB 527 (Rasmussen)	p. 2130
Clarification of referendum, E2SHB 758 (Rasmussen)	p. 2196
Clarification of motion, SHB 400 (Pullen)	p. 2267
Adoption of conference report timely, ESB 5546 (Rasmussen and Pullen)	p. 2304
Adoption of conference report timely, E2SHB 758 (Rasmussen)	pp. 2325, 2341
Clarification of free conference report, 2SHB 684 (Nelson)	p. 2357
Conference committee relieved of HB 698 (Cantu)	p. 2366
Majority of votes needed to pass SSB 6076 (West)	p. 2431
Order of amendments, ESHB 1221 (Bottiger)	p. 2514
Question, conference committee appointments, ESHB 1221 (Newhouse)	p. 2532
Majority of votes needed, SSB 5901 (Talmadge)	p. 2538

**PARTNERSHIPS**

Limited partnerships, revisions: \*SHB 393, CH 55 (1987)

**PASCO**

Diversify economy: \*SHB 1132, CH 501 (1987)

**PASSENGER CHARTER CARRIERS**

Revisions, certificate required: SB 5451

**PATERNITY**

Administrative determination: \*SHB 419, CH 441 (1987)

**PATTERSON, SENATOR E. G. "PAT"**

Appointed member education, natural resources and transportation committees  
p. 24

Personal privilege, flag bearers from Palouse/Garfield p. 1111  
Appointed interim member legislative committee on economic development,  
legislative transportation committees p. 2648

**PAYDAY**

County paydays modified: SHB 226

**PEARL BARLEY**

B & O tax lowered on manufacture: \*HB 66, CH 139 (1987), SB 5169

**PEARL HARBOR**

License plates to survivors: SB 5136, \*SSB 5136, CH 44 (1987)

**PEDESTRIANS**

Intoxicated pedestrians, police may offer transport: \*SB 5060, CH 11 (1987)

**PEER REVIEW BOARDS**

Liability limited: \*SB 5972, CH 269 (1987)

**PENINSULA COMMUNITY COLLEGE DISTRICT NO. 1**

Julie A. Johnson, trustee, GA 9075, confirmed pp. 38, 934, 2066

**PEPPER, LOUIS H.**

Member, Washington State University board of regents,  
GA 9044, confirmed pp. 33, 951, 1967

**PERFORMANCE ARTS**

Property tax exemption modified: SB 5345, SSB 5345

**PERFORMANCE ARTS—cont.**

Property taxes, leased or rented property qualifies for exemption: \*HB 1087, CH 468 (1987)

**PERMITS**

Real property, vesting of permits: SB 5519, \*SSB 5519, CH 104 (1987)

**PERSONAL PROPERTY**

Tangible personal property, in and outside of the state, clarifying the taxation: \*HB 204, CH 27 (1987), SB 5238

Tangible personal property, provided with an operator for charge, sales tax modified: SB 5241

Unclaimed, disposition modified: SB 5667

**PERSONAL REPRESENTATIVES**

Felons and misdemeanants: SB 5680, SSB 5680

**PERSONAL SERVICE CONTRACTS**

Lobbyists may not have contracts during session: SB 5783

Open competition: \*SHB 88, CH 414 (1987)

Open competition, legislative review of those negotiated without competition: SHB 88, SB 5365, SSB 5365, SB 5524

Restricting state personal service contracts: SB 5111

**PERSONNEL APPEALS BOARD**

Joanne Bailey Wilson, member,

GA 9034, confirmed ..... pp. 31, 141, 304, 564

Operating budget: \*SHB 1221, CH 7 E1 (1987)

**PERSONNEL BOARD, STATE**

Charles Alexander, member, GA 9033, confirmed ..... pp. 31, 304, 564

Richard C. Kelley, member, GA 9084, confirmed ..... pp. 77, 304, 920

**PERSONNEL, DEPARTMENT OF**

Automated insurance eligibility system, operating budget: \*SHB 1221, CH 7 E1 (1987)

Operating budget: \*SHB 1221, CH 7 E1 (1987)

**PESTICIDES**

Applicator licensing, revisions: \*SSB 5144, CH 45 (1987)

Disposal by farmers: SB 6010, SSB 6010

Environmental excellence awards for labelling of products authorized by DOE: \*SB 5051, CH 67 (1987)

Hazardous materials, site cleanup responsibility: SB 6085, CH 2 E3 (1987)

Sevin, use prohibited in crab or juvenile anadromous fish habitat: SB 5038

Structural pest inspection, false statements: SB 5144, \*SSB 5144, CH 45 (1987)

Underground storage regulated: SB 5942

Waste disposal program: SB 6085, CH 2 E3 (1987)

**PETERSON, SENATOR LOWELL**

Appointed member transportation, chair; human services and corrections and natural resources committees ..... p. 24

Demand for call of the senate ..... p. 1889

Appointed interim member legislative

transportation committee ..... p. 2648

Resignation letter ..... p. 2692

**PETS**

Abuse, cruelty to animals, removal of animals revised, criminal procedures modified: SB 5608, \*SSB 5608, CH 335 (1987)

Abuse, penalties increased, remedies: SB 5177

Abused animals, disposition and care provided for: SB 5304

Dangerous dogs regulated: \*SSB 5301, CH 94 (1987)

Vicious dogs regulated: SB 5301

**PHARMACIES**

- Optometric prescriptions may be filled: SB 6029
- Records kept for 3 versus 5 years: SHB 829
- Samples, possession and distribution of legend drugs: \*SHB 931, CH 411 (1987)
- Shopkeepers: SHB 829
- Wholesalers or manufacturers who distribute legend drugs to maintain records for 3 years: SHB 829

**PHARMACY, STATE BOARD OF**

- Donald V. Hobbs, member, GA 9129 ..... p. 2629
- Maureen E. Sandison, member,  
GA 9094, confirmed ..... pp. 170, 2043, 2409
- Barbara Vanderkolk, reappointed member, GA 9021 ..... p. 28
- Administrative provisions transferred to the department of licensing: SHB 449, SB 5367
- Operating budget: \*SHB 1221, CH 7 E1 (1987)
- Poisons, DOE given regulatory authority, shall delegate to pharmacy board: \*SB 5160, CH 236 (1987)
- Transferring some duties to the department of licensing: SB 5302

**PHYSICAL THERAPISTS**

- Assistants, certification: SB 5518
- Treatment authority revised: SB 5382

**PHYSICIANS**

- Drugs prescribed by out-of-state physicians legal: \*HB 235, CH 144 (1987)
- Impaired physician program: SB 5857, \*SSB 5857, CH 416 (1987)
- Limited licenses to practice to visiting teachers, researchers, or fellowship holders: \*HB 699, CH 129 (1987)
- Medicare, other federal medical programs, consumer protection provisions: SB 5781
- Medicare violations, consumer protection: INT 92
- Peer review boards, liability limited: \*SB 5972, CH 269 (1987)
- Physician-patient privilege, accelerated waiver: SB 6048, \*SSB 6048, CH 212 (1987)
- Physician-patient privilege, waiver revised: HB 878
- Physicians' assistants, scope of practice extended: SB 5971
- Self-insurers may select physicians to examine industrial insurance claimants: SB 5282

**PHYSICIANS' ASSISTANTS**

- Scope of practice extended: SB 5971

**PIERCE COMMUNITY COLLEGE DISTRICT NO. 11**

- David L. Crouch, member, GA 9119 ..... p. 1309

**PIERCE COUNTY**

- Animal traps prohibited in low elevation areas of Pierce, King, and Thurston counties: SB 5543
- Special hotel/motel tax: \*SSB 6064, CH 483 (1987)

**PILOTAGE COMMISSIONERS, BOARD OF**

- Otis H. Abney, member, GA 9018 ..... p. 28
- William Ellis, reappointed member,  
GA 9016, confirmed ..... pp. 28, 2042, 2629
- Chester A. Richmond, Jr., reappointed member,  
GA 9032, confirmed ..... pp. 30, 2042, 2446
- Amigo Soriano, member, GA 9017 ..... p. 28

**PILOTS (BOATS)**

- Attorney general may be asked to bring criminal or civil suit: \*SHB 630, CH 485 (1987), SB 5649, SSB 5649
- Continuing education: SHB 624, SB 5650, \*SSB 5650, CH 264 (1987)

**PILOTS—cont.**

- Discipline, board's authority expanded: \*HB 629, CH 392 (1987), SB 5647
- Docking assignments, newly licensed pilots: SHB 624, SB 5650, \*SSB 5650, CH 264 (1987)
- High speed small passenger vessels, exempt: SB 5648
- Licensing revisions: SHB 624, SB 5650, \*SSB 5650, CH 264 (1987)
- Passenger vessels or yachts, exemptions: \*SB 5861, CH 194 (1987)
- Physical exams, review of each annual exam by board: SHB 624, SB 5650, \*SSB 5650, CH 264 (1987)
- Pilot excess liability threshold increased to \$10,000: SB 5649
- Pilotage commissioner board membership altered: \*SHB 630, CH 485 (1987), SB 5649, SSB 5649
- Special pilotage license for high-speed passenger vessels: HB 421, SB 5488
- Specific pilots may be blacklisted by individual companies: \*SHB 630, CH 485 (1987), SB 5649
- Tests, examinations once every 3 months required: SB 5030
- Transportation budget: \*SSB 6076, CH 10 E1 (1987)
- Vessel simulator training: SHB 624, SB 5650, \*SSB 5650, CH 264 (1987)
- Willapa included in Grays Harbor district: \*SHB 630, CH 485 (1987), SB 5649, SSB 5649

**PIT BULLS**

- Dangerous dogs regulated: \*SSB 5301, CH 94 (1987)
- Vicious dogs regulated: SB 5301

**PLANT CLOSURES**

- Business and job retention program within DTED: SB 6050

**PLANTS**

- Endangered species conservation act: 2SHB 210

**PLATS (See also LAND USE PLANNING)**

- Administrative approval process modified, binding site plan: \*SHB 116, CH 354 (1987)
- Boundary discrepancies, rectification prior to plat approval: SB 5040
- Short plats, fewer than four parcels, revisions allowed within 5 year period: \*SB 5822, CH 92 (1987)
- Vacation and alteration, procedures provided: SHB 118

**PLUMBING**

- Employment of noncertified plumbers is prohibited: SHB 634

**POHNPEI LEGISLATORS**

- Speaker Ambros T. Senda, vice speaker Job Micah, Senator Herculano Kohler, staff economist Dr. Kaniel Twum-Barimah, legislative clerk Henry Saimon introduced ..... p. 2046

**POINT LAWRENCE TRUST PROPERTY**

- DNR lands, certain transferred to the parks and recreation commission: SHB 550, \*SSB 5439, CH 466 (1987)

**POINTS OF INFORMATION**

- Which amendment being considered, E2SHB 758 (Barr) ..... p. 2193
- Clarification of amendment, E2SHB 758 (Stratton) ..... p. 2194

**POINTS OF ORDER**

- Amendment to SB 5159 (Vognild) ..... p. 479
- Amendment to SSB 5608 (Hansen) ..... p. 542
- Amendment to SSB 5064 (Bottiger) ..... p. 599
- Timeliness of motion to limit debate (Rasmussen) ..... p. 601
- Amendment to SSB 5710 (Talmadge) ..... p. 679
- Amendment to 2SSB 5252 (Talmadge) ..... p. 710
- Amendment to SSB 5459 (Pullen) ..... p. 840
- Amendment to SB 5744 (Pullen) ..... pp. 848, 849

## POINTS OF ORDER—cont.

Amendment to SB 5966 (Pullen)	p. 870
Amendment to ESHB 25 (Newhouse)	p. 1033
Amendment to SHB 359 (Rasmussen)	p. 1081
Amendment to HB 827 (Newhouse)	p. 1090
Amendments to HB 209 (Wojahn)	pp. 1094, 1095
Amendment to SHB 563 (Wojahn)	p. 1101
Amendment to HB 64 (Deccio)	p. 1117
Amendment to SHB 773 (Talmadge)	p. 1124
Amendments to SHB 476 (West)	pp. 1266, 1267, 1268
Amendment to ESHB 341 (West)	p. 1272
Amendment to ESHB 341 (Newhouse)	p. 1272
Amendment to SHB 329 (Kreidler)	p. 1312
Amendment to HB 431 (Bender)	p. 1318
Amendment to SHB 244 (Talmadge)	p. 1431
Amendment to HB 220 (Newhouse)	p. 1446
Amendment to SHB 1158 (Wojahn)	p. 1458
Amendments should be reconsidered, ESHB 26 (Craswell)	p. 1469
Amendment clarification, ESHB 26 (Lee)	p. 1470
Amendment to ESHB 26 (Craswell)	p. 1472
Amendment to committee amendment not properly before senate SHB 274 (Newhouse)	p. 1513
Amendment to SHB 755 (Hayner)	p. 1556
Amendment to SHB 264 (Bottiger)	p. 1565
Amendment to SHB 646 (West)	p. 1573
Amendment to HB 1205 (Bender)	p. 1604
Amendment to HB 1205 (Talmadge)	p. 1644
Amendment to ESHB 454 (Deccio)	p. 1692
Clarification of amendments, ESHB 454 (Zimmerman)	p. 1703
Amendment not timely, ESHB 454 (Newhouse)	p. 1703
Speeches about guests (Bottiger)	p. 1704
Amendments to SHB 609 (Kreidler)	pp. 1707, 1708
Question motion on scope and object of upcoming amendment to SHB 609 (Nelson)	p. 1707
Motion properly before senate to suspend senate rule 52 (Talmadge)	p. 1713
Amendment to SHB 1129 (Garrett)	p. 1713
Amendment to SHB 692 (Williams)	p. 1745
Amendment to ESHB 877 (Bottiger)	p. 1749
House amendments to SSB 5163 (Wojahn)	p. 1813
House amendment to ESSB 5439 (Owen)	p. 1828
House amendment to ESCR 8406 (Owen)	p. 1829
House amendment to SSB 5846 (Kreidler)	p. 1831
House amendments to SSB 5163 (Wojahn)	p. 1832
House amendments to SSB 5622 (Gaspard)	p. 1833
House amendments to ESSB 5071 (Pullen)	p. 1871
Senator reading, E2SHB 455 (Bottiger)	p. 1912
Issue being addressed (Newhouse)	p. 2090
Bill properly before senate, ESHB 611 (Talmadge)	p. 2091
Bill properly before senate, E2SHB 758 (Rasmussen)	p. 2092
Amendment to E2SHB 527 (Newhouse)	p. 2092
Amendment to amendment, E2SHB 527 (Newhouse)	p. 2129
Suspension of rules (2), E2SHB 527 (Newhouse)	p. 2130
Conference report on SHB 773 (Rasmussen)	pp. 2149, 2150
Motion to adopt conference report not before senate, SHB 773 (Halsan)	p. 2149
Amendment to ESSB 5081 (Rasmussen)	p. 2159
Clarification of amendment, E2SHB 758 (Owen)	p. 2197
Conference committee report, HB 698 (Garrett)	p. 2208
SB 5901 properly before senate (Rasmussen)	p. 2209



**POINTS OF ORDER—cont.**

EHB 831 properly before senate (Metcalf)	p. 2209
Free conference report, EHB 435 (McCaslin)	p. 2215
E2SHB 758 not before body (Vognild)	p. 2341
Free conference report, E2SSB 5441 (Cantu)	p. 2351
Adoption of free conference report timely, ESSB 5479 (Rasmussen)	pp. 2358, 2359
Free conference report scope and object, E2SHB 758 (Rasmussen)	pp. 2360, 2361
Free conference report, ESCR 8406 (Owen)	p. 2363
Conference report properly before senate, SSB 5854 (Newhouse)	p. 2372
Amendment to SSB 6016 (West)	p. 2428
ESSB 6055 properly before senate (Gaspard)	p. 2566
SHB 1225 properly before senate (Wojahn)	p. 2638
ESSB 5901 constitutional (Rasmussen) (2)	p. 2675
Conflict of interest, SB 6084 (Cantu)	p. 2686

**POISON CONTROL CENTERS**

Revisions: \*SHB 237, CH 214 (1987)

**POISONS**

DOE given regulatory authority, shall delegate to pharmacy board: \*SB 5160, CH 236 (1987)

Environmental excellence awards for labelling of products authorized by DOE: \*SB 5051, CH 67 (1987)

Licensing for the sale and manufacture: \*SB 5105, CH 34 (1987)

Register, poison register required for sales: \*SB 5105, CH 34 (1987)

Sevin, use prohibited in crab or juvenile anadromous fish habitat: SB 5038

**POLLUTION**

Agriculture, nonpoint activity, procedures to investigate and remedy: SHB 543

Aquaculture siting dispute resolution process to be established by DNR: SB 5122

Arctic national wildlife refuge coastal plain, request that the area be opened to exploitation: SJM 8015

Cedar Hills landfill, phasing out: SB 5068

Ecology procedures simplification act: \*SB 5427, CH 109 (1987)

Environmental excellence awards for labelling of products authorized by DOE: \*SB 5051, CH 67 (1987)

Everett home port, land conveyance for dredge spoils: SB 5604, \*SSB 5604, CH 271 (1987)

Incinerator residues resulting from burning municipal wastes are classified as special: SB 5570, \*SSB 5570, CH 528 (1987)

Incinerators in unincorporated areas, conditional use permits: SHB 1053

Kern River pipeline, FERC approval requested: SJM 8011

Navy base, Everett, tideland exchange: SB 5687

Noise pollution, local government requirements revised regarding DOE prior approval: SB 5389, \*SSB 5389, CH 103 (1987)

Pollution prevention pays program, hazardous waste reduction and recycling: SB 6085, CH 2 E3 (1987)

Puget Sound, disposal of materials limited: SB 5575

Regarding collection of charges: \*HB 843, CH 184 (1987)

Saltwater net pens, demonstration and study by DNR: SB 5122, SSB 5122

Sevin, use prohibited in crab or juvenile anadromous fish habitat: SB 5038

Violations of environmental protection laws, penalties increased: SB 6009

Water pollution violations, class C felony: HB 516, SB 5591

Wood stoves regulated: \*2SHB 16, CH 405 (1987), SB 5315, SSB 5315

**POLLUTION CONTROL FACILITIES**

Financing provided, service agreements: \*SHB 523, CH 436 (1987), SB 5454, SSB 5454

**POLLUTION CONTROL FACILITIES—cont.**

Water quality account, water pollution control facilities, extended grant payment contracts: \*HB 1205, CH 516 (1987)

**POLLUTION CONTROL HEARINGS BOARD**

Judith A. Bendor, member, GA 9054, confirmed . . . . . pp. 34, 2407, 2413  
 Aquatic lands, appeal of actions on state-owned lands: SB 5443, SSB 5443  
 Ecology procedures simplification act: \*SB 5427, CH 109 (1987)

**POLYGRAPH EXAMINERS**

Regulated: SB 5350, SB 5419, SSB 5419

**POOL, HEALTH CARE INSURANCE**

Created: \*SHB 99, CH 431 (1987)

**PORNOGRAPHY**

Minors, sexual material, matter, and devices, minors access to these vices prohibited: SB 5778

Taxing adult entertainment, proceeds to child abuse fund: SB 5703

**PORT DISTRICT COMMISSIONERS**

Life insurance coverage authorized: \*SB 5146, CH 50 (1987)

**PORT DISTRICTS**

Boundary changes, time limitation: \*SB 5199, CH 82 (1987)

Essential rail banking account created, distribution to rail and port districts: SB 5391, SSB 5391

Loans from public agencies, loan agreements and debtor/creditor obligations set forth: \*SHB 263, CH 19 (1987)

Moorage facilities, public operators to establish charges which reflect private facility costs: SB 6043

Mortgage authority regarding industrial development facilities: SB 6023, \*SB 6023, CH 289 (1987)

**PORT OF ENTRY**

Radioactive wastes, port of entry: \*SHB 385, CH 86 (1987), SB 5222, SSB 5222

**POSTAGE STAMPS**

Exempt from sales tax: SB 5100, SB 5167

**POWS**

License plates to spouses of deceased POWS: SB 5047, \*SSB 5047, CH 98 (1987)

**PRECIOUS METALS**

Commodity brokers, license revisions: \*SB 5178, CH 243 (1987)

**PREGNANCY**

Assault, second degree, substantial bodily harm to an unborn quick child: HB 752, \*SB 5546, CH 324 (1987)

Family or medical leave: 2SHB 565

Prenatal care program provided: 2SHB 477, SB 5452, SSB 5452, 2SSB 5452

Prenatal test laboratories licensed: SB 5378, SSB 5378

**PREMARITAL AGREEMENT**

Uniform premarital agreement act: SB 5033

**PRENATAL CARE**

Prenatal care program provided: 2SHB 477, SB 5452, SSB 5452, 2SSB 5452

**PRENATAL TESTS**

Laboratories licensed: SB 5378, SSB 5378

Prenatal test advisory committee formed: SB 5378, SSB 5378

**PRESIDENT OF THE SENATE (see Also JOHN A. CHERBERG)**

Presided joint sessions . . . . . pp. 52, 1176

President votes 'no', amendment to ESHB 445 . . . . . p. 264

President votes 'no', amendment to SJR 8210 . . . . . p. 598

- PRESIDENT OF THE SENATE** (see Also JOHN A. CHERBERG)—cont.  
 Presented medal of merit award to  
 Senator Warren G. Magnuson ..... p. 1181
- PRESIDENT PRO TEMPORE** (See also A. L. "SLIM" RASMUSSEN)  
 A. L. "Slim" Rasmussen, nominated and elected ..... p. 4  
 Presided, joint session, memorial program ..... p. 372
- PRESIDENTIAL ELECTORS**  
 Operating budget: \*SHB 1221, CH 7 E1 (1987)
- PRESIDENTIAL PRIMARY**  
 Nonbinding presidential primary with single-party ballots: SSB 5961  
 Preference primary: SB 5465
- PREVAILING WAGE**  
 Labor and industries, compliance and investigation, procedures: \*SHB 465, CH 172 (1987), SB 5613  
 State agencies prohibited from renting, leasing, or purchasing new facilities unless contractor follows law: \*SHB 95, CH 321 (1987)
- PRIMARY**  
 Presidential primary: SB 5465  
 Presidential primary, nonbinding with single-party ballots: SSB 5961
- PRIMLEY, NANCI C.**  
 Reappointed member, housing finance commission, GA 9163 ..... p. 2709
- PRINTERS/UW**  
 Collective bargaining authorized: \*HB 220, CH 484 (1987)
- PRINTING**  
 Colleges and universities, revisions: \*SSB 5179, CH 72 (1987)  
 OFM to adjust the private printing threshold every two years: \*SSB 5179, CH 72 (1987)  
 Private printing authorized for small jobs: SB 5179, \*SSB 5179, CH 72 (1987)
- PRISONERS/PRISONS**  
 Conditionally released, payment provisions: SB 5551  
 Cost of care may be collected from prisoners: SB 5119  
 Inmate work programs, competitive impact study required: SB 5711  
 Medical care eligibility of city and county inmates under the limited casualty program: SB 5753  
 Payment provisions for conditionally released prisoners: SB 5551  
 Rights of prisoners, payment provisions for conditionally released prisoners: SB 5551
- PRIVACY**  
 Adoption, information disclosure, procedures provided: HB 141, SB 5260  
 Drugs, wire-tapping, one-party consent law changed: SB 5070, SSB 5070, SB 5362  
 Involuntary commitment procedures revised: SB 5074, SSB 5074, \*2SSB 5074, CH 439 (1987)  
 Release of records, privacy and violation of privacy defined: \*SHB 4, CH 403 (1987)  
 Utility information, marketing of customer information regulated: SHB 244, SSB 5143
- PRIVATE ACTIVITY BONDS**  
 Ceiling, allocation: \*SHB 739, CH 297 (1987), SB 5640
- PRIVATE INVESTIGATORS**  
 Licensing: SB 5504, SSB 5504
- PRIVATE SCHOOLS**  
 Buses, private students may be transported on public buses: SB 5334, SSB 5334  
 Churches, educational ministries, truancy exemption: SB 5208

**PRIVATE SCHOOLS—cont.**

- Colleges and universities, grant program for needy students: SB 5748
- Colleges and universities, independent, state contracts for instructional services: SB 5430
- Teachers, certification modified: SB 5220
- Vocational schools, tuition recovery fund: SB 5880, \*SSB 5880, CH 459 (1987)
- Washington scholars award, tuition and fee waivers for independent colleges and universities: SB 5558

**PRIVILEGED COMMUNICATIONS**

- Involuntary commitment procedures revised: SB 5074, SSB 5074, \*2SSB 5074, CH 439 (1987)

**PROBABLE CAUSE**

- Minors possessing or consuming alcohol, arrest without a warrant: \*SHB 42, CH 154 (1987)
- Traffic infractions, information from another officer concerning infraction: \*SB 5062, CH 66 (1987)

**PROBATE (See also ESTATES)**

- Affidavit of debt owed to deceased, revisions regarding revenue claim notice: \*SHB 489, CH 157 (1987)

**PROCEDURAL QUESTION**

- Senator Talmadge, order of amendments, SSB 5070 ..... p. 285

**PRODUCT LIABILITY**

- Firearms or ammunition, grounds specified: HB 662, SB 5388, SSB 5710
- Motor vehicle warranties, enforcement provisions: SB 5502, \*SSB 5502, CH 344 (1987)

**PRODUCTIVITY BOARD**

- Incentives for state employees modified: \*HB 91, CH 387 (1987)

**PROMOTIONAL SHARES**

- Limiting the authority to establish regulations: SB 5865

**PROPORTIONAL REGISTRATION**

- IRP revisions: \*SB 5605, CH 244 (1987)

**PROSECUTING ATTORNEYS**

- Victims or survivors, trial time, place, etc., notice to be given: SB 6068

**PROSPECTING**

- Mining on public lands regulated: SB 5193, \*SSB 5193, CH 20 (1987)

**PRYOR, HOWARD H.**

- Trustee, Wenatchee Valley community college, district no. 15, GA 9042, confirmed ..... pp. 32, 932, 1839

**PSYCHOTHERAPISTS**

- Omnibus credentialing act for counselors: \*SHB 129, CH 512 (1987)

**PUBLIC ASSISTANCE**

- AFDC eligibility revised: SB 6005
- Alcoholism and drug addiction treatment and shelter program: \*SHB 646, CH 406 (1987), SB 5568
- Education, assist in continuing: SB 6006
- Family independence program established to reduce poverty: \*2SHB 448, CH 434 (1987), SB 5471
- Health care access act of 1987: \*2SHB 477, CH 5 E1 (1987), SB 5357
- Lifeline telephone service: \*SB 5097, CH 229 (1987)
- Long-term study of public assistance recipients: SB 5132, SSB 5132
- Operating budget: \*SHB 1221, CH 7 E1 (1987)
- Overpayment of benefits to vendors and recipients, recovery modified: \*SHB 274, CH 283 (1987), SB 5341

**PUBLIC ASSISTANCE—cont.**

- Rent, nonpayment by persons on public assistance, garnishment: SB 5751
- Rent payments directly to landlord, study, pilot program: SHB 932
- SSI, pilot supplemental security income referral program: \*SHB 665, CH 177 (1987), SB 5593
- SSI, state supplement of federal cost-of-living adjustments limited: SB 5723, SSB 5723
- Start own business, assistance to be given: SB 6004

**PUBLIC BROADCASTING STATIONS**

- Funding providing: SB 5285, \*SSB 5285, CH 308 (1987)
- Operating budget: \*SHB 1221, CH 7 E1 (1987)
- State-wide video telecommunications network, study, operating budget: \*SHB 1221, CH 7 E1 (1987)

**PUBLIC DEFENDER**

- Office established for certain criminal cases, parental rights, civil, and juvenile cases: SB 5833, SSB 5833, 2SSB 5833

**PUBLIC DISCLOSURE COMMISSION**

- Ruth A. Beck, member, GA 9023, confirmed ..... pp. 29, 648, 889
- Bruce A. Wilson, member, GA 9072, confirmed ..... pp. 38, 905, 952
- Addresses and telephone numbers of public employees and volunteers are private: \*SSB 5143, CH 404 (1987)
- Advertising, political advertising, false advertising prohibited: SHB 657, SB 5560
- Election campaign financing trust fund: SB 5505
- Filing dates revised: SB 5004
- Financial and commercial information supplied by businesses during application for loans or program services are private: \*SHB 324, CH 337 (1987)
- Lobbyists, reporting requirements, modified regarding expenditures: \*SHB 782, CH 423 (1987)
- Motor vehicle registration information, disclosure action to be sent to vehicle owner: \*SHB 244, CH 299 (1987)
- Nonprofit organizations, politically active, disclosure: SB 5186
- Operating budget: \*SHB 1221, CH 7 E1 (1987)
- Protection given to employees reporting improper activity to legislators: SB 5031, SSB 5031
- Public employees, volunteers, applications, addresses and phone numbers, exempt: SB 5143, \*SSB 5143, CH 404 (1987)
- Public office funds eliminated: SB 5722
- Tax information regarding credits and deferrals: \*SB 5138, CH 49 (1987)
- UTC, confidentiality of information filed with the UTC: SB 5679, \*SSB 5679, CH 107 (1987)
- Utility information, marketing of customer information regulated: SHB 244, SSB 5143

**PUBLIC EMPLOYEES**

- Insurance laws revised: SB 5151

**PUBLIC EMPLOYEES RELATIONS COMMISSION**

- Joseph F. Quinn, member, GA 9026, confirmed ..... pp. 29, 859, 890
- Operating budget: \*SHB 1221, CH 7 E1 (1987)

**PUBLIC FUNDS**

- Investments, authorized investments increased: SHB 651

**PUBLIC INDECENCY**

- Terms redefined: \*SB 6012, CH 277 (1987)
- Warrantless arrests: SB 6000

**PUBLIC LANDS, COMMISSIONER OF (See NATURAL RESOURCES, DEPARTMENT OF)**

**PUBLIC LANDS** (See STATE LANDS; NATURAL RESOURCES, DEPARTMENT OF)**PUBLIC NUISANCES**

Crack houses: SB 5070, SSB 5070

Drug houses: SHB 692

Drugs, knowledge language revised regarding controlled substances: SHB 692

**PUBLIC PURCHASES**

Competitive bidding, purchases without, threshold increased: SB 5180, \*SSB 5180, CH 81 (1987)

Institutions may enter into purchasing contracts for health care programs: \*SB 5161, CH 70 (1987), SB 5499

Paper products, recycled paper products given priority: SB 5376, SSB 5376

Printing, private printing ok for small jobs: SB 5179, \*SSB 5179, CH 72 (1987)

**PUBLIC RECORDS**

Release of records, privacy and violation of privacy defined: \*SHB 4, CH 403 (1987)

**PUBLIC UTILITIES**

Annexation of territory, elections: SB 6058, SSB 6058

Billing errors, customer liability limited: SB 5037, SSB 5572

Budgets, WUTC objection period extended for review of public service company budgets: \*SB 5069, CH 38 (1987)

Combined utility systems authorized: \*SHB 9, CH 18 (1987)

Confidentiality of information filed with UTC: SB 5679, \*SSB 5679, CH 107 (1987)

Electric energy for resale, tax required for sale: SB 6031

Energy facility site evaluation, construction includes suspension of construction: SB 5213, SSB 5213

Interloan funds may be made and repaid between funds: \*SHB 9, CH 18 (1987)

Landlord tenant situations, liens against landlords prohibited: SB 5966

Privacy of utility information, marketing of customer information regulated: SHB 244, SSB 5143

Public utility and transportation corridors, repealing authority: SB 5147

Rate setting and valuation of utilities, commission limited: SB 5215

Rates, regulate expenses of unregulated activities: SB 5881

Securities, issuance of securities by public service companies: \*SB 5668, CH 106 (1987)

Termination of utility service, revisions: \*HB 992, CH 356 (1987)

Unfair business practices, rates for unregulated activities: SB 5881

Utility intervention program, public advocacy: SB 5214

**PUBLIC UTILITY AND TRANSPORTATION CORRIDORS**

Repealing authority for: SB 5147

**PUBLIC UTILITY DISTRICTS**

Annexation, service areas redefined: \*SHB 1012, CH 292 (1987), SSB 6058

**PUBLIC WORKS**

Agencies, competitive bid and advertisement threshold modified: \*SB 5522, CH 218 (1987)

Architectural and engineering services, public contracts requirements only for public works exceeding \$15,000: SB 5750

Bids, threshold increased for competitive bid requirement: \*SHB 186, CH 120 (1987)

Capital budget: \*SHB 327, CH 6 E1 (1987)

Improvements to maintain and attract industry and in response to growth: \*SHB 743, CH 422 (1987)

Loans to municipal corporations, loan agreements and debtor/creditor obligations explained: \*SHB 263, CH 19 (1987)

Prevailing wages, procedures revised: SB 5690

**PUBLIC WORKS—cont.**

- Real estate excise tax proceeds to conservation area account and public works assistance account: \*SSB 5911, CH 472 (1987)
- Real estate sales, excise tax, public works assistance account: SB 5276, \*SSB 5911, CH 472 (1987)
- Single craft or trade involved, street signalization or street lighting, exceptions to competitive bidding requirements: \*SHB 186, CH 120 (1987)
- Single-source purchases, services, or market conditions, direct negotiation ok: \*SHB 186, CH 120 (1987)
- Small works roster, threshold increased: HB 314, \*SB 5522 CH 218 (1987)

**PUBLIC WORKS BOARD**

- Appropriations for projects recommended by the public works board: SB 5022, \*SSB 5022, CH 5 (1987)

**PUBLICATIONS**

- Requirements for agencies modified: \*SHB 25, CH 505 (1987)
- State publications must be distributed to the legislature through the state publications center in the library: HB 577

**PUGET ISLAND—WESTPORT FERRY**

- Revising the reimbursement formula: \*SB 5159, CH 368 (1987)

**PUGET SOUND**

- Aquatic land dredged material disposal site account created for monitoring and management: SB 5501, SSB 5501, \*2SSB 5501, CH 259 (1987)
- Bottom trawling gear unlawful in Hood Canal and Puget Sound: SB 5422
- Bottomfish, commercial net fishing prohibited: SB 5323
- Disposal of materials into Puget Sound limited: SB 5575
- Everett home port, land conveyance for dredge spoils: SB 5604, \*SSB 5604, CH 271 (1987)
- Marine and ocean resources, joint committee created: SHCR 4407, SCR 8406
- PSWQA management plan, DOE and PCHB to report on implementation of enforcement guidelines: SSB 5073
- PSWQA, operating budget: \*SHB 1221, CH 7 E1 (1987)
- Secondary sewage treatment, waiver allowed when certain conditions met: SB 5044
- Secondary treatment, compliance schedules, DOE to look at local factors: SHB 609

**PUGET SOUND WATER QUALITY AUTHORITY**

- Marjorie Redman, reappointed member, GA 9162 . . . . . p. 2708

**PULLEN, SENATOR KENT**

- Oath of office . . . . . p. 3
- Appointed member financial institutions and governmental operations committees . . . . . p. 24
- Parliamentary inquiry, amendment divided SB 5401 . . . . . p. 519
- Parliamentary inquiry, order of amendments SB 5529 . . . . . p. 790
- Point of order, amendment to SSB 5459 . . . . . p. 840
- Point of order, amendment to SB 5744 . . . . . pp. 848, 849
- Point of order, amendment to SB 5966 . . . . . p. 870
- Parliamentary inquiry, votes needed for suspension of rules, ESHB 26 . . . . . p. 1476
- Parliamentary inquiry, question point of order, SHB 692 . . . . . p. 1745
- Parliamentary inquiry, status of EHB 823 . . . . . p. 1752
- Point of order, house amendments to ESSB 5071 . . . . . p. 1871
- Parliamentary inquiry, procedure for call of senate . . . . . p. 1889
- Parliamentary inquiry, clarification of motion, SHB 400 . . . . . p. 2267
- Adoption of conference report timely, ESB 5546 . . . . . p. 2304

**PUYALLUP EXTENSION COMMUNITY COLLEGE**

- Capital budget: \*SHB 327, CH 6 E1 (1987)

**PUYALLUP INDIANS**

Tidelands, operating budget: \*SHB 1221, CH 7 E1 (1987)

**QUEETS RIVER**

Salmon, benefits study: \*SHB 1221, CH 7 E1 (1987)

**QUINN, JOSEPH F.**

Member, public employees relations commission,

GA 9026, confirmed ..... pp. 29, 859, 890

**RADIO DISPATCH**

Collective bargaining for jail and radio dispatch personnel: SB 6022

**RADIOACTIVE WASTES (See HAZARDOUS MATERIALS)****RADIOLOGICAL TECHNOLOGISTS**

Certifying: \*SHB 134, CH 412 (1987), SB 5064, SSB 5064

**RADIOS**

Ham radio operators, lease of state lands authorized: SB 5055, SSB 5055

Public broadcasting funding: SB 5285, \*SSB 5285, CH 308 (1987)

**RAILROADS**

Abandoned right of way, study reuse: SB 5985, SSB 5985

Acquisitions, contracts and obligations preserved: SB 5837

Essential rail banking account created, distribution to rail and port districts: SB 5391, SSB 5391

Fund transfer from grade crossing protective fund to motor vehicle fund: \*HB 1123, CH 257 (1987)

Public utility and transportation corridors, repealing authority: SB 5147

Rail development account: \*HB 1034, CH 428 (1987)

Rail development commission created: \*SHB 1035, CH 429 (1987)

Rail development commission, transportation budget: \*SSB 6076, CH 10 E1 (1987)

Short-line railroads, proof of financial responsibility: SB 5458

**RANA, K. K. S.**

Consul General of India introduced and addressed senate and presented gift to president ..... p. 937

**RAPE**

Counselors, rape by counselors, class C felony: SB 5695

**RASMUSSEN, SENATOR A. L. "SLIM"**

Oath of office ..... p. 3

Elected president pro tempore ..... p. 4

Second nomination of Sid Snyder as secretary of the senate ..... p. 5

Appointed member rules, vice chair; natural resources and ways and means committees ..... p. 24

Presided memorial service, joint session ..... p. 372

Point of order timeliness of motion to limit debate ..... p. 601

Point of order, amendment to SHB 359 ..... p. 1081

Parliamentary inquiry, majority of votes needed, SHB 1165 ..... p. 1332

Point or order, bill properly before Senate, E2SHB 758 ..... p. 2092

Parliamentary inquiry, suspension of Reeds rules, E2SHB 527 ..... p. 2130

Conference report on SHB 773 ..... pp. 2149, 2150

Point of order, amendment to ESSB 5081 ..... p. 2159

Parliamentary inquiry, clarification of referendum, E2SHB 758 ..... p. 2196

Point or order, SB 5901 properly before senate ..... p. 2209

Parliamentary inquiry, adoption of conference report timely, ESB 5546 ..... p. 2304

Parliamentary inquiry, adoption of conference report timely, E2SHB 758 ..... pp. 2325, 2341



**RASMUSSEN, SENATOR A. L. "SLIM"—cont.**

- Points of order, adoption of free conference report timely,  
ESSB 5479 ..... pp. 2358, 2359
- Points of order, adoption of free conference report timely,  
E2SHB 758 ..... p. 2360
- Points of order, scope and object free conference report,  
E2SHB 758 ..... pp. 2360, 2361
- Points of order, ESSB 5901 constitutional ..... p. 2675
- Appointed interim member,  
joint committee on pension policy ..... p. 2647

**REAL PROPERTY**

- Appraisals, certified, requirements established: HB 1109, SB 5053
- Artificial diversion of surface waters onto anothers land, just compensation: SB 5699
- Broker earnest money trust account, housing trust fund: \*2SHB 164, CH 513 (1987)
- Broker's trust account board created: \*2SHB 164, CH 513 (1987)
- Condominium definition includes parking stalls: HB 1092, \*SSB 5825, CH 383 (1987), SB 5891
- Condominiums, revisions to plans that must be filed: SB 5825, \*SSB 5825, CH 383 (1987)
- Condominiums, statutory committee to reform horizontal property act: SB 5825, \*SSB 5825, CH 383 (1987)
- Condominiums, uniform condominium act: SB 5884
- Conveyance tax collection procedures modified: SHB 208, SB 5242
- Conveyances, certain transfers exempt from conveyance tax: SB 5134
- Discriminatory covenants, procedure to remove from deeds: SB 5371, \*SSB 5371, CH 56 (1987)
- Family farms, mediation prior to foreclosure: SB 5173
- Farm land, protection of land and values: SB 5983
- Foreclosure, class of restricted buyers modified: SB 5054
- Homestead exemption and the award in lieu increased: SB 5531
- Homestead, foreclosure, fair value, upset price provisions deleted: SB 5500
- Horizontal property regimes, revisions to plans that must be filed: SB 5825, \*SSB 5825, CH 383 (1987)
- Horizontal property, statutory committee to reform law: SB 5825, \*SSB 5825, CH 383 (1987)
- Housing trust fund money via real estate broker accounts: \*2SHB 164, CH 513 (1987)
- Indian land claims, right of action against state: SB 5974
- Indian tideland and river bed claims, DCD to study impact of claims on employment, investment, and tax revenues: SSB 5973
- Indian tideland and river bed claims, reinsurance of titles: SB 5973, SSB 5973
- Judgments, enforcement revised: \*SHB 927, CH 442 (1987)
- Mortgage broker licensing, registration board created: SB 5537
- Mortgage brokers regulated via mortgage brokers practices act: \*SHB 80, CH 391 (1987), SB 5373
- Natural resources conservation areas, real estate excise tax to fund purchase: \*SSB 5911, CH 472 (1987)
- Permits, vesting: SB 5519, \*SSB 5519, CH 104 (1987)
- Plat approval, administrative approval process modified, binding site plan: \*SHB 116, CH 354 (1987)
- Plat approval, rectification of boundary discrepancies prior to approval: SB 5040
- Plats, vacation and alteration, procedures provided: SHB 118
- Platting, certain public agency transfer: SB 5414
- Real estate broker accounts, fund housing trust fund: \*2SHB 164, CH 513 (1987)
- Real estate excise tax proceeds to conservation area account and public works assistance account: \*SSB 5911, CH 472 (1987)
- Real estate licenses, DOL authority modified: SB 5510, \*SSB 5510, CH 332 (1987)

**REAL PROPERTY—cont.**

- Real estate licenses, higher education program may be instituted: SB 5510, \*SSB 5510, CH 332 (1987)
- Real estate licenses, inactive, revisions concerning state employees: \*HB 435, CH 514 (1987), SB 5396
- Real estate loan agreements, security protection provisions: SB 5154, SSB 5154
- Real estate, regulation increase, process: \*HB 435, CH 514 (1987)
- Real estate transaction trust funds, interest for low-income housing and real estate research: SB 5848, SSB 5848
- Rule against perpetuities, statutory rule provided: SB 5470
- Sales, excise tax on real estate sales, public works assistance account: SB 5276, \*SSB 5911, CH 472 (1987)
- Security protection provisions, real estate loan agreements: SB 5154, SSB 5154
- Senior citizens, taxes and special assessment, alternate deferral program: SB 5041
- Short plats, fewer than four parcels, revisions allowed within 5 year period: \*SB 5822, CH 92 (1987)
- Timeshares regulated: \*SHB 790, CH 370 (1987)
- Vesting of real property permit rights: SB 5519, \*SSB 5519, CH 104 (1987)

**RECREATION**

- Nonprofit organizations, money received for camping, conferences, and recreational services is tax exempt: SB 6002, SSB 6002
- Winter recreation commission reestablished: SB 5081, \*SSB 5081, CH 526 (1987)

**RECREATIONAL VEHICLES**

- Account created for L & I fees related to administration and enforcement for inspections and insignia fees: SB 5375, SSB 5375
- Building codes, etc., for factory built housing: SSB 5375

**RECYCLING**

- Dangerous wastes, DOE to operate a waste exchange between industries: SHB 332
- Paper products, recycled paper products given priority for state use: SB 5376, SSB 5376
- Pollution prevention pays program, hazardous waste reduction and recycling: SB 6085, CH 2 E3 (1987)
- Recovered material, post consumer waste, paper etc., purchase preference for state printer: SB 5376, SSB 5376

**REDMAN, MARJORIE**

- Reappointed member, Puget Sound water quality authority, GA 9162 ..... p. 2708

**REFERENDUM 41**

- Challenging the delegation of authority to create money: \*SB 5444, CH 246 (1987)

**REFLECTORIZED WARNINGS**

- Disabled vehicles, reflectORIZED warnings required: \*SB 5245, CH 226 (1987)

**REFUSE COLLECTION BUSINESSES**

- B & O tax clarified: HB 916, SB 5240

**REGIONAL HEALTH COUNCILS**

- Created to monitor the effects of health care financing and delivery at local levels: SB 6021

**REGIONAL SHOPPING CENTERS**

- Signs, highway advertising criteria: \*SSB 5123, CH 469 (1987)

**REGULATORY FAIRNESS**

- Small business, improving regulatory fairness: SB 5831

**RENT**

- Mobile home parks, rent control: SB 5601

**RENT—cont.**

- Mobile home rental space availability, study senior citizen impact, increase land that is available: SB 5076
- Mobile homes, tenant remedies for violation of rental agreement: SB 5950
- Nonpayment of rent by persons on public assistance, recovery, garnishment: SB 5751
- Public assistance, rent payments to landlords, study, pilot program: SHB 932

**RENTON**

- Cedar Hills landfill, phasing out: SB 5068

**REPAIRPERSONS**

- Time of arrival must be specified: SB 5485

**REPORTS (See also PUBLIC DISCLOSURE COMMISSION)**

- Agencies, etc., publication requirements of various state entities modified: \*SHB 25, CH 505 (1987), SB 5082
- Developmentally disabled persons, report of abuse required: \*SHB 153, CH 206 (1987), SB 5228, SSB 5228
- Protection given to employees reporting improper activity to legislators: SB 5031, SSB 5031

**RESIGNATIONS**

- Senator Jim McDermott letter ..... p. 2680
- Senator Lowell Peterson letter ..... p. 2692

**RESPIRATORY CARE PRACTITIONERS**

- Regulating, advisory care committee established: \*SHB 767, CH 415 (1987), SB 5935

**RESPITE CARE**

- DSHS to report on cost-comparisons: SSB 5453, \*2SSB 5453, CH 409 (1987)
- Licensing: SB 5404, SSB 5404
- Long-term care services, enhanced: SHB 524, SB 5453, SSB 5453, \*2SSB 5453, CH 409 (1987)
- Revisions of DSHS authority: SSB 5453, \*2SSB 5453, CH 409 (1987)

**RESTAURANTS**

- Theft of services, attorney fees, costs, etc.: \*SHB 601, CH 353 (1987)

**RETAIL INSTALLMENT SALES**

- Motor vehicle purchases, service charge on retail installment sales limited: SHB 366
- Motor vehicles, interest rates, charges revised: \*SB 5948, CH 318 (1987)

**RETIREMENT AND PENSIONS**

- Actuarially equivalent options revised: \*HB 1067, CH 143 (1987)
- Boards, committees, and commissions, credit provisions revised: \*HB 406, CH 146 (1987)
- Cities, payment of costs related to excess compensation, alternative payment plan: SB 5856
- City, state-wide city employees' retirement system, transfer of service credit: \*HB 10, CH 417 (1987)
- Commodity inspection division, grain branch, special early retirement: SB 5344
- Community colleges, part-time teachers: \*SHB 1128, CH 265 (1987)
- Community property, military retirement pay: SB 5278, SSB 5278
- Cost-of-living adjustment, teachers, adjustment reflects excess growth, provision modified: SB 5509
- Cost-of-living adjustments: SB 5646
- Cost-of-living adjustments for teachers and public employees: \*SB 5380, CH 455 (1987)
- Cost-of-living adjustments for TRS and PERS: \*SB 5380, CH 455 (1987)
- Cost-of-living adjustments, teachers revised: SB 5508

**RETIREMENT AND PENSIONS—cont.**

- Duty disability retirement recipients, revising continued service credit: \*HB 865, CH 118 (1987)
- Execution, attachment, seizure, pension money and other employee benefits exempt, exceptions: \*SB 5080, CH 64 (1987)
- Firefighters, city pension fund levy limitation for certain annexations: \*HB 772, CH 319 (1987)
- Higher education, leaves of absence for certain reasons do not reduce retirement: \*SB 5483, CH 448 (1987)
- Higher education, supplemental pension benefits: SHB 53
- Institutions, early retirement of employees of state-operated institutions provided for: SB 5745
- Judges, death beneficiary: SHB 359
- Judges, modifications, transfer to other system allowed: SHB 359
- Judges, restoration of withdrawn credit: SHB 359
- Judicial retirement provisions revised: SB 5140
- LEOFF, directors of public safety included: \*SHB 47, CH 418 (1987)
- LEOFF II revised: SB 5347, SSB 5347
- Local elected officials, restoration of withdrawn contributions: \*SB 5402, CH 88 (1987)
- Local elected officials, retirement provisions revised: \*SHB 440, CH 379 (1987)
- Maintenance, mandatory assignment of divided benefit payments: SHB 472, SB 5511, \*SSB 5511, CH 326 (1987)
- Mandatory assignment of divided benefit payments: SHB 472, SB 5511, \*SSB 5511, CH 326 (1987)
- Military retirement pay, community property: SB 5278, SSB 5278
- Military service, revising credit determination: SB 5286
- National guard service credited to PERS: SB 5525
- Operating budget: \*SHB 1221, CH 7 E1 (1987)
- Overpayment of benefits, adjust future benefits, liability for information is with employer: \*HB 3, CH 490 (1987)
- PERS, cost-of-living adjustments: \*SB 5380, CH 455 (1987)
- PERS, duty disability retirement recipients, revising continued service credit: \*HB 865, CH 118 (1987)
- PERS, service credit, return to work then retire before 2 years, credit allowed: SB 5512
- Policy, joint committee on pension policy: \*HB 358, CH 25 (1987), SB 5359
- Political committee dues, deductions from retirement allowance authorized: SHB 632
- Portability: SB 5150, \*SSB 5150, CH 192 (1987)
- Restoration by elected officials: SB 5190
- Restoration of pre-1977 contributions to returnees: \*SSB 5512, CH 384 (1987)
- Restoration of withdrawn contributions, local elected officials: \*SB 5402, CH 88 (1987)
- School district employees, service credit under PERS for prior service, 9 months equals 12 months, retroactive: \*SHB 424, CH 136 (1987), SB 5420
- Schools, former employees who now provide the services via contract: SSB 6001
- Service credit, PERS, return to work then retire before 2 years, credit allowed: SB 5512
- South Africa and Namibia, divestment of public pension funds: SB 5658, SSB 5658
- Spouses, property division or maintenance, mandatory assignment of divided benefit payments: SHB 472, SB 5511, \*SSB 5511, CH 326 (1987)
- State patrol, interest rate, director to determine: \*SB 5513, CH 215 (1987)
- State patrol memorial fund, deductions from retirement allowance authorized: \*SB 5418, CH 63 (1987)
- State patrol, restoration within 5 versus 4 years: \*SB 5513, CH 215 (1987)
- State patrol retirement allowance for surviving spouses modified: \*HB 248, CH 173 (1987)

**RETIREMENT AND PENSIONS—cont.**

- State-wide city employee's retirement system, transfer of service credit: \*HB 10, CH 417 (1987)
- Teachers, cost-of-living adjustments: \*SB 5380, CH 455 (1987)
- Teachers, increasing benefits for those not receiving social security: SHB 1070
- Teachers, military service and out-of-state teaching service usable as retirement credit: SB 5226
- Teachers, retired, health care coverage for retired teachers: SB 5698
- Teachers' retirement allowance adjustments revised: SB 5508
- Teachers' service retirement allowance, adjustment reflecting excess growth, provision modified: SB 5509
- Unfunded system liability, revisions: SB 5579

**RETIREMENT CARE COMMUNITIES**

- Regulation: SB 5854, SSB 5854

**REVENUE, DEPARTMENT OF**

- William R. Wilkerson, director, GA 9074, confirmed ..... pp. 38, 933, 2413
- Operating budget: \*SHB 1221, CH 7 E1 (1987)
- Tax research and statistical analysis, operating budget: \*SHB 1221, CH 7 E1 (1987)
- Unified business identification reporting: \*HB 148, CH 111 (1987)

**REYNOLDS, JOHN**

- Director, department of veterans affairs, GA 9117 ..... p. 1309

**RICHARDSON, ROBERT**

- Member, higher education personnel board, GA 9154 ..... p. 2707

**RICHLAND**

- Diversify economy: \*SHB 1132, CH 501 (1987)

**RICHMOND, CHARLES**

- Reappointed member, housing finance commission, GA 9161 ..... p. 2708

**RICHMOND, JR., CHESTER A.**

- Member, board of pilotage commissioners, GA 9032, confirmed ..... pp. 30, 2042, 2446

**RIDE-SHARING**

- Vanpool laws revised: \*HB 559, CH 175 (1987)

**RIFLES**

- Sawed-off shotguns and short rifles, prohibited: SB 5710, SSB 5710

**RIGHTS OF WAY**

- Donations to government encouraged: \*SB 5732, CH 267 (1987)
- WSDOT, vesting of rights of way in city or town: \*SB 5415, CH 68 (1987)

**RINEHART, SENATOR NITA**

- Oath of office ..... p. 3
- Appointed member education, vice chair; parks and ecology, vice chair and ways and means committees ..... p. 24
- Appointed interim member Governor's commission on children, joint select sunset committee ..... p. 2648

**RIPPLE, JOHN J.**

- Member, sentencing guidelines commission, GA 9113, confirmed ..... pp. 763, 961, 1709

**RISK RETENTION GROUPS**

- Formation and operation regulated: \*HB 379, CH 306 (1987)

**RIVELAND, CHASE A.**

- Secretary, Washington state department of corrections, GA 9041, confirmed ..... pp. 32, 2067, 2638

**RIVERS**

Hydraulic permits, prohibiting restriction of stream or riverbank stability projects: SB 6024

Indian tideland and river bed claims, DCD to study impact of claims on employment, investment, and tax revenues: SSB 5973

Indian tideland and river bed claims, reinsurance of titles: SB 5973, SSB 5973

Scenic river systems, committee membership modified: \*SB 5536, CH 57 (1987)

**ROADS AND HIGHWAYS**

Approach roads on state rights of way, construction permit standards revised: \*SB 5735, CH 227 (1987)

Appropriation to alleviate negative impact of no federal funding: SSB 6020

Diamond lanes, restrictions limited, unrestricted use on weekends, holidays, and nonpeak hours: SB 6025

Forest service roads are nonhighway roads: SB 5933

Freeland area, scenic highway designation removed: SB 5209

Future, transportation in the future symposium sponsored: HCR 4411

Improvement projects, DOT may participate with real estate owners in financing: \*HB 395, CH 261 (1987), SB 5733

Improvement projects, rights of way donations encouraged: \*SB 5732, CH 267 (1987)

Improvements to maintain and attract industry and in response to growth: \*SHB 743, CH 422 (1987)

Limited access facilities, requirements altered: \*SB 5416, CH 200 (1987)

Maintenance, pilot program to study road and maintenance project costs: \*SHB 1160, CH 424 (1987)

Model traffic ordinance updated: \*SB 5034, CH 30 (1987)

Motor vehicle fund uses, chip-sealing, seal-coating: \*HB 825, CH 234 (1987)

Pilot program to study road and maintenance project costs: \*SHB 1160, CH 424 (1987)

Priority programming modified, category h: \*HB 352, CH 179 (1987)

Radioactive wastes, port of entry: \*SHB 385, CH 86 (1987), SB 5222, SSB 5222

Rights of way donations to government encouraged for transportation improvements: \*SB 5732, CH 267 (1987)

Scenic highway system, Freeland area removed: SB 5209

SR 161 designated as the enchanted parkway: \*SB 5666, CH 520 (1987)

State routes updated: \*SB 5413, CH 199 (1987)

Surface transportation assistance act, Congress asked to enact: \*HJM 4000 (1987)

Transportation benefit board created to enhance cooperation between public and private sectors: SB 5731

Vacation of roads and streets abutting water: \*SB 5013, CH 228 (1987)

**ROBERTSON, BONNIE**

Trustee, state school for the blind, GA 9155 ..... p. 2707

**ROCKETS**

Prohibiting the sale, possession, or transportation: SB 5187

**RODGERS, STACEY**

Daffodil festival princess introduced ..... p. 993

**ROLL ON COLUMBIA, ROLL ON**

State folk song designated: \*SSB 5081, CH 526 (1987), SB 5221

**ROPER, JAMES**

Member, juvenile disposition standards commission, GA 9128 ..... p. 2628

**ROSE, ANNE H.**

Reappointed member, housing finance commission, GA 9160 ..... p. 2708

**ROSELINI, GOVERNOR ALBERT D.**

Member, transportation commission, GA 9009, confirmed ..... pp. 26, 2042, 2211

**RUBY, MIRANDA**

Reporter, future farmers of America introduced . . . . . p. 415

**RULE AGAINST PERPETUITIES**

Statutory rule provided: SB 5470

**RULES REVIEW COMMITTEE**

Failure of agency to adopt rules, review: SB 5058, \*SSB 5058, CH 451 (1987)

Rules review procedures, agency's response to action: \*SSB 5058, CH 451 (1987)

Suspension of agency rules authorized: SB 5057

**RULINGS AND REPLIES BY THE PRESIDENT (See also POINTS OF INQUIRIES AND PARLIAMENTARY INQUIRIES)**

Amendments within scope . . . pp. 683, 850, 878, 883, 1121, 1168, 1641, 1700, 2361

Amendments beyond scope pp. 495, 544, 717, 1084, 1118, 1122, 1316, 1333, 1444, 1449, 1475, 1592, 1593, 1710, 1714, 1829, 1830, 1831, 1832, 1833, 2049, 2160, 2204, 2213, 2222, 2352, 2363, 2430

Reply to Senator Talmadge, procedural question, SSB 5070 . . . . . p. 284

Reply to Senator Pullen, question divided, SB 5401 . . . . . p. 519

Reply to Senator Rasmussen on timeliness of motion to limit debate . . . . . p. 601

Reply to Senator McCaslin on limited debate . . . . . p. 738

Reply to Senator Pullen, order of amendments, SB 5529 . . . . . p. 790

Reply to Senator Wojahn, majority of votes needed, SSB 6062 . . . . . p. 813

Reply to Senator Pullen on point of order, SB 5744 . . . . . p. 847

Reply to Senator Vognild, ruling, SB 5744 . . . . . p. 850

Reply to Senator Newhouse, majority of votes needed, SHB 984 . . . . . p. 995

Reply to Senator Talmadge, order of amendments, ESHB 26 . . . . . p. 1189

Reply to Senator Rasmussen, majority of votes needed, SHB 1165 . . . . . p. 1332

Ruling to Senator Craswell, point of order, ESHB 26 . . . . . p. 1469

Reply to Senator West, notice of reconsideration not timely, ESHB 26 . . . . . p. 1470

Reply to Senator Lee, amendment clarification, ESHB 26 . . . . . p. 1471

Reply to Senator Newhouse, amendment to committee amendment properly before senate, HB 274 . . . . . p. 1513

Reply to Senator Newhouse, inquiry on scope and object on ESHB 454 . . . . . p. 1692

Reply to Senator Newhouse, amendment not timely, ESHB 454 . . . . . p. 1703

Reply to Senator West, scope and object of upcoming amendments, SHB 609 . . . . . p. 1707

Reply to Senator Rasmussen on rules on suspension of senate rule 52 . . . . . p. 1713

Reply to Senator Talmadge, motion properly before senate to suspend senate rule 52 . . . . . p. 1713

Reply to Senator Tanner, amendment to ESHB 451 . . . . . p. 1740

Reply to Senator Pullen, question on point of order, SHB 692 . . . . . p. 1745

Reply to Senator Bottiger, clarification of amendments, ESHB 877 . . . . . p. 1749

Reply to Senator Pullen, status of EHB 823 . . . . . p. 1753

Reply to Senator Wojahn, point of order, SSB 5163 . . . . . p. 1813

Reply to Senator Pullen, procedure for call of senate . . . . . p. 1890

Ruling on motion to reconsider house amendments to ESSH 5401 . . . . . p. 1899

Reply to Senator Bottiger, senator reading, E2SHB 455 . . . . . p. 1912

Reply to Senator Newhouse, issue being addressed . . . . . p. 2090

Reply to Senator Rasmussen, bill properly before senate E2SHB 758 . . . . . p. 2092

Reply to Senator Newhouse, amendment to E2SHB 527 . . . . . p. 2092

**RULINGS AND REPLIES BY THE PRESIDENT—cont.**

Reply to Senator Newhouse, amendment to amendments, E2SHB 527	p. 2130
Reply to Senator Newhouse, suspension of rules, E2SHB 527	p. 2130
Replies to Senator Rasmussen, suspension of Reed's rules, E2SHB 527	p. 2130
Reply to Senator Rasmussen, conference report, SHB 773	p. 2149
Ruling, ESHB 611 properly before senate	p. 2152
Ruling, E2SHB 758 properly before senate	p. 2174
Reply to Senator Barr, which amendment being considered, E2SHB 758	p. 2193
- Reply to Senator Stratton, clarification of amendments, E2SHB 758	p. 2194
Reply to Senator Rasmussen, clarification of referendum, E2SHB 758	p. 2196
Reply to Senator Owen, clarification of amendment, E2SHB 758	p. 2198
Ruling on SB 5901 properly before senate	p. 2209
Ruling on EHB 831 properly before senate	p. 2209
Reply to Senator Pullen, clarification of motion, SHB 400	p. 2267
Replies to Senators Rasmussen and Pullen, adoption of conference report timely, ESB 5546	p. 2304
Reply to Senator Rasmussen, adoption of conference report timely, E2SHB 758	p. 2305
Reply to Senator Vognild, E2SHB 758 not before body	p. 2341
Reply to Senator Nelson, clarification of free conference reports, 2SHB 684	p. 2357
Reply and ruling to Senator Rasmussen, adoption of free conference report timely, ESSB 5479	pp. 2358, 2359
Ruling to Senator Rasmussen, free conference report timely, E2SHB 758	p. 2360
Ruling to Senator Rasmussen, scope and object, free conference report, E2SHB 775	p. 2360
Reply to Senator Cantu, conference committee relieved of HB 698	p. 2366
Ruling to Senator Newhouse, conference report properly before senate, SSB 5854	p. 2375
Reply to Senator West, majority of votes needed to pass SSB 6076	p. 2431
Reply to Senator Newhouse, question conference committee appointments, ESHB 1221	p. 2532
Reply to Senator Talmadge, majority of votes needed, SSB 5901	pp. 2538, 2539
Ruling to Senator Gaspard, ESSB 6055 properly before senate	p. 2566
Replies to Senator Rasmussen, ESSB 5901 constitutional	p. 2675
Ruling to Senator Cantu, conflict of interest, SB 6084	p. 2686

**RULING AND REPLY BY PRESIDENT PRO TEMPORE (See also POINTS OF ORDER AND PARLIAMENTARY INQUIRES)**

Amendments beyond scope	pp. 1498, 1499
Reply to Senator Pullen, votes needed for suspension of rules, ESHB 26	p. 1476
Reply to Senator Lee, order of business, HB 220	p. 1498
Ruling on motion to reconsider, E2SHB 455	p. 1917

**RUNNING AT LARGE**

Control livestock within 12 hours: SB 5117

**RUNNING LIGHTS**

Insurance premium reductions for vehicles using: \*SHB 920, CH 320 (1987)



**RUNSTAD, H. JON**

- Member, higher education coordinating board,  
GA 9014, confirmed ..... pp. 27, 1501, 1809  
Member, board of regents, University of Washington, GA 9156 ..... p. 2707

**RURAL DEVELOPMENT**

- DCD directed to study, heavy telecommunications emphasis: \*SHB 373, CH 293  
(1987)  
Rural businesses, studying economic development and marketing needs: SHB  
1189

**RURAL HOSPITALS**

- Certificate of need exemption for public hospital districts and rural hospitals: SB  
6007  
Moratorium on rate regulation: SSB 5887  
Rates, public districts and rural hospitals exempt from hospital commission  
approval power: SB 5940

**RURUP, DEBBIE**

- Daffodil festival princess introduced ..... p. 993

**SABBATICALS**

- Grant program for teachers, SPI to establish a program: SB 5532

**SAFETY**

- Work hours of 11 p.m. to 6 a.m., security measures required: SHB 473  
Worker right to know, hazardous substance defined for employer information  
disclosure: SB 5405  
Worker right-to-know, advisory council revisions: \*HB 678, CH 24 (1987), SB 5656  
Worker right-to-know, consumer product explained: \*SSB 5405, CH 365 (1987)

**SALARIES**

- Citizens' commission on salaries for elected officials: \*SHB 1221, CH 7 E1 (1987)  
Citizens' commission on salaries for elected officials, supplemental appropriation:  
\*HB 315, CH 1 (1987)  
Colleges and universities, increase dependent on salary inequity, varies  
between institutions: SB 5000  
Colleges and universities, increase, 5% for UW and WSU, 4.5% for other 4 year  
schools, 4% for community colleges: SSB 5497  
Colleges and universities, salaries increased apparently depending on status of  
school: SB 5497  
Congressional salaries: SJR 8214  
Schools: \*SHB 1221, CH 7 E1 (1987)  
State employee gross income reduced via salary reduction plan: \*SHB 844, CH  
475 (1987)

**SALARY REDUCTION PLAN**

- Dependent care plan: \*SHB 844, CH 475 (1987)  
Operating budget: \*SHB 1221, CH 7 E1 (1987)

**SALING, SENATOR GERALD L. (JERRY)**

- Appointed member education and ways and means committees ..... p. 24  
Appointed interim member joint committee on pension policy, legislative com-  
mittee on economic development, actuary,  
office of the special committee ..... pp. 2647, 2648

**SALMON**

- Aquaculture siting dispute resolution process to be established by DNR: SB 5122  
Capital budget: \*SHB 327, CH 6 E1 (1987)  
Charter boat license revisions: SB 5342  
Economic contribution of sport and commercial salmon and sturgeon fishing,  
operating budget: \*SHB 1221, CH 7 E1 (1987)  
Economic impact of salmon and sturgeon harvest by DCD: SHB 223  
Gillnet fishing during daylight hours, rule development: SHCR 4403

**SALMON—cont.**

- Grays Harbor enhancement: SB 5379  
 Grays Harbor salmon, status, operating budget: \*SHB 1221, CH 7 E1 (1987)  
 Guides to have licenses: HB 1031  
 Impact of salmon net pens, operating budget: \*SHB 1221, CH 7 E1 (1987)  
 Indian and non-Indian fisheries, persons fishing both, regulated: SB 5050  
 Lake Washington salmon production: SB 5324  
 Queets River, benefits study, operating budget: \*SHB 1221, CH 7 E1 (1987)  
 Recreational fishing license for all uses, game and food fish: SB 5189  
 Salmon enhancement facilities, private ownership provided for: SB 5828  
 Saltwater net pens, demonstration and study by DNR: SB 5122, SSB 5122  
 Severin, use prohibited in crab or juvenile anadromous fish habitat: SB 5038  
 State sandwich, salmon on whole wheat bread: SB 5759  
 Surplus salmon eggs, cooperative projects may not profit from egg sales: SB 5763,  
 \*SSB 5763, CH 48 (1987)  
 Surplus salmon eggs, sale restricted depending on rehabilitation and watershed:  
 SB 5036  
 Tilton River, coho run, operating budget: \*SHB 1221, CH 7 E1 (1987)  
 Toutle River fish collection, operating budget: \*SHB 1221, CH 7 E1 (1987)

**SALMON, HENRY**

- Legislative clerk, Pohnpei legislature introduced ..... p. 2046

**SAND**

- Mining on public lands regulated: SB 5193, \*SSB 5193, CH 20 (1987)

**SANDISON, GORDON**

- Reappointed trustee, Western Washington University,  
 GA 9056, confirmed ..... pp. 35, 951, 1863

**SANDISON, MAUREEN E.**

- Member, state board of pharmacy,  
 GA 9094, confirmed ..... pp. 170, 2043, 2409

**SANDWICH**

- State sandwich, salmon on whole wheat bread: SB 5759

**SANFORD, LAWRENCE E.**

- Reappointed member, state board for community  
 college education, GA 9138 ..... p. 2704

**SAUVAGE, DR. LESTER**

- Medal of merit award winner introduced and  
 addressed senate ..... p. 1178

**SCARPELLI, O. F. "OLE" (See also SERGEANT AT ARMS)**

- Elected sergeant at arms ..... p. 7

**SCENIC RIVER SYSTEM**

- Committee membership modified: \*SB 5536, CH 57 (1987)

**SCHAEFER, SALLY G.**

- Trustee, Clark community college district no. 14, GA 9157 ..... p. 2707

**SCHOLARS, WASHINGTON STATE**

- 1987 student winners introduced  
 SFR 1987-8658 ..... p. 1695

**SCHOOLER, BECKY**

- Princess, apple blossom royalty introduced ..... p. 383

**SCHOOLS**

- Administrators' academy created: SSB 5479  
 Background investigations of persons being considered for hire by businesses:  
 \*2SSB 5063, CH 486 (1987)  
 Basic education allocation revised: \*2SHB 455, CH 2 E1 (1987), SB 5477, SSB 5477

**SCHOOLS—cont.**

- Beginning teachers' assistance program continued: HB 485, SB 5622, \*SSB 5622, CH 507 (1987)
- Bonds, general obligation, capital projects: SB 5621
- Buses, private students may be transported on public buses: SB 5334, SSB 5334
- Buses, safety standards: SB 5308
- Capital budget: \*SHB 327, CH 6 E1 (1987)
- Capital projects, general obligation bonds: SB 5621
- Capital projects, modernization or replacement of facilities, allotment: \*SHB 1197, CH 413 (1987)
- Capital projects, sales tax exempt: SB 5715
- Career ladder pilot project, salary compensation, grants from SPI, select committee on career ladders created: SB 5726
- Child abuse and neglect, primary prevention program in the schools: SB 5252, SSB 5252, \*2SSB 5252, CH 489 (1987)
- Child abuse perpetrators, central registry to notify schools when an employee is put on register: SB 5554, SB 5659, SSB 5659, \*2SSB 5659, CH 524 (1987)
- Churches, educational ministries, truancy exemption: SB 5208
- Common school local enhancement and accountability act adopted: SB 5728
- Communication system between districts to be created: SB 5997
- Competitive bidding requirements modified: SB 5337
- Construction cost index: \*SHB 1197, CH 413 (1987)
- Construction, matching funds: \*SHB 1197, CH 413 (1987)
- Construction, state matching funds limited, conditions: \*SHB 805, CH 112 (1987)
- Contract services from former employees, labor relation consequences: SSB 6001
- Contract services from former employees, retirement benefits: SSB 6001
- Cooperative agreements between districts authorized: SB 5720, SSB 5720
- Counselors, elementary school counselor program: 2SHB 456
- Day care, school-based day care: \*HB 452, CH 487 (1987), SB 5478
- Days increased to 200: SB 5951
- Directors compensated, waiver of compensation allowed: \*2SHB 163, CH 307 (1987)
- Drop-out programs: \*2SHB 456, CH 518 (1987), SB 5476, SSB 5476, SB 5623
- Drop-out task force, Governor and SPI: \*2SHB 456, CH 518 (1987)
- Drop-outs, high risk students, SPI to study: SB 5462
- Drug and alcohol prevention programs, liquor revolving fund: HB 1228, SB 5070, SSB 5070
- Drugs and alcohol, youth substance abuse awareness program, SPI and districts: \*2SHB 456, CH 518 (1987), SB 5476, SSB 5476, SB 5628
- Drugs, school ground transactions illegal: SB 5070, SSB 5070
- Early childhood education, operating budget: \*SHB 1221, CH 7 E1 (1987)
- Early childhood education program continued and expanded: \*2SHB 456, CH.518 (1987)
- Education consolidation act of 1987, K-12 and community colleges: SB 5839
- Educational clinics, funding in a recognition of drop-out situation: SSB 5476
- Eight grade basic skills test: SB 5981
- Elementary school counselor program: 2SHB 456
- Even start program: \*2SHB 456, CH 518 (1987), SB 5476, SSB 5476, SB 5629
- Evergreen state examination program, measure pupil achievement: SB 5980
- Excess levies, matching funds to districts with rates greater than state average: SB 5620
- Financial losses due to transfer of territory, compensation: SB 5155, \*SSB 5155, CH 100 (1987)
- Food service funds, SPI authorized to receive funds: \*SB 5642, CH 193 (1987)
- Funding, major revisions to levies: \*2SHB 455, CH 2 E1 (1987), SB 5477, SSB 5477
- Funding modified, state money for basic education, local money for enrichment and nondistrict personnel: SB 5997
- Funds for school construction, additional property tax: \*HJR 4220 (1987)

**SCHOOLS—cont.**

- Gifted education funding increased to 2% of district's enrollment: \*2SHB 456, CH 518 (1987)
- Health and assessment services before school year begins, pilot program: SB 5625, SSB 5625
- Health personnel may be employed by all schools: SB 6008, SSB 6008
- Hearing officers to be an attorney or an approved arbitrator: \*SHB 776, CH 375 (1987)
- High school graduation, standardized competency test: SB 5952
- Highly capable students, early college entrance at UW: \*2SHB 456, CH 518 (1987)
- Industrial arts service areas within SPI: SB 5615
- Innovative programs, requirements may be waived: \*SHB 786, CH 401 (1987), SB 5982
- In-service training funds request, district to have conducted a needs assessment at the building level: \*SSB 5479, CH 525 (1987)
- Insurance, excess insurance: SB 5262
- International education issues, advisory committee to assist SPI, programs: \*SB 5463, CH 349 (1987)
- Inventory of facilities by OFM, operating budget: \*SHB 1221, CH 7 E1 (1987)
- Inventory of school facilities: SB 5626, SSB 5626
- LBC study on school-related information, operating budget: \*SHB 1221, CH 7 E1 (1987)
- LEAP study on state-wide reporting system, operating budget: \*SHB 1221, CH 7 E1 (1987)
- Learning assistance program: 2SHB 728, \*SSB 5632, CH 478 (1987), SB 5632
- Learning disabilities, curriculum-based assessment procedures: \*SHB 325, CH 398 (1987)
- Learning enhancement, early childhood education, drop-outs, drug and alcohol abuse: \*2SHB 456, CH 518 (1987), SB 5476, SSB 5476
- Levies, base year levy percentage reduction, incremental reduction modified from 1/5 to 1/4: SB 5620
- Liquor revolving fund, juvenile alcohol and drug prevention programs: \*HB 1228, CH 458 (1987), SB 5070, SSB 5070
- Loan program for prospective teachers and teachers getting more endorsements: SB 5937
- Loans from public agencies, loan agreements and debtor/creditor obligations set forth: \*SHB 263, CH 19 (1987)
- Local control, replace state mandates with goals and guidelines: SB 5997
- Local education enhancement and accountability act, grants, advisory committees in the districts: SB 5840, SSB 5476
- Mentor teacher pilot program, renamed master teacher pilot program, extended: SB 5727
- Mentor teachers: HB 485, SB 5622, \*SSB 5622, CH 507 (1987)
- Mentor teachers and principals as part of teacher preparation program: SB 5479
- Parents as first teachers program: 2SHB 456, SB 5316, SSB 5476
- Personal belief test prohibited: SB 5970
- Primary block education programs: SSB 5479
- Principals, preparation program revamped: SB 5479, \*SSB 5479, CH 525 (1987), SB 5630
- Private school teachers, certification modified: SB 5220
- Project even start: \*2SHB 456, CH 518 (1987), SB 5476, SSB 5476, SB 5629
- Purchases, competitive bidding requirements modified: SB 5337
- Readiness to learn program: \*2SHB 456, CH 518 (1987), SB 5476, SSB 5476, SB 5629
- Renovation of buildings, major renovation redefined: SB 5716
- Retirement benefits for former employees who now provide the services via contract: SSB 6001
- Retirement credit for employees, PERS, for prior service, 9 months equals 12 months, retroactive: \*SHB 424, CH 136 (1987), SB 5420
- Retirement, part-time teachers revised: \*SHB 1128, CH 265 (1987)

## SCHOOLS—cont.

- Sabbatical grant program for teachers, SPI to establish a program: SB 5532
- Salaries, major revisions: \*2SHB 455, CH 2 E1 (1987), SB 5477, SSB 5477
- Salaries, operating budget: \*SHB 1221, CH 7 E1 (1987)
- Salaries revised, state-wide salary allocation schedule for basic education certified personnel: \*2SHB 455, CH 2 E1 (1987), SB 5477, SSB 5477
- School involvement program, community, private businesses and public support: \*2SHB 456, CH 518 (1987)
- School involvement program, volunteer program, state employees don't get docked for volunteering: SB 5476, SSB 5476
- Science, with an emphasis on the environment, to be included in curriculum: \*HB 770, CH 232 (1987), SB 5834
- Second class districts may hire spouses on 1/2 time basis: SB 5480
- Self-confidence of students stressed to realize academic innate potential: SSB 5313
- Spouses in 2nd class districts may be hired 1/2 time: SB 5480
- Staff ratios revised: \*2SHB 455, CH 2 E1 (1987), SB 5477, SSB 5477
- Student teacher ratio increased incrementally over a few years: SB 5624
- Task force on drop-outs: \*2SHB 456, CH 518 (1987)
- Task force on schools for the 21st century: \*SSB 5479, CH 525 (1987)
- Tax, additional tax, funds for school construction: \*HJR 4220 (1987)
- Tax exemption for personal property donated for direct instructional purposes: SSB 5476
- Taxes, additional tax: \*SHB 1197, CH 413 (1987)
- Teacher assistance program for mentor teachers, beginning teachers, and experienced teachers: \*SSB 5622, CH 507 (1987)
- Teacher certification, discuss other states' methods, reciprocity: \*SB 5433, CH 40 (1987)
- Teacher certification process redone: SB 5479, \*SSB 5479, CH 525 (1987), SB 5630
- Teacher preparation, exit examination from college required: HB 485, \*SSB 5479, CH 525 (1987), SB 5622
- Teacher preparation, tests to determine competency before admittance to professional program: HB 485, \*SSB 5479, CH 525 (1987), SB 5622
- Teachers, administrators, etc., standards review program: \*SB 5247, CH 39 (1987)
- Teachers, award for excellence in teacher preparation program: SB 5246
- Teachers, beginning teachers assistance program continued: HB 485, SB 5622, \*SSB 5622, CH 507 (1987)
- Teachers, future teachers' conditional scholarship program: \*SHB 857, CH 437 (1987)
- Teachers, in-service training and continuing education, college credits on the salary schedule: SB 5274, \*SSB 5274, CH 519 (1987)
- Teachers, loan program for prospective teachers and teachers getting more endorsements: SB 5937
- Teachers, masters degree: SB 5479, \*SSB 5479, CH 525 (1987), SB 5630
- Teachers, mentor teachers: HB 485, SB 5622, \*SSB 5622, CH 507 (1987)
- Teachers, mentor teachers and principals as part of teacher preparation program: SB 5479
- Teachers, military service and out-of-state teaching service usable as retirement credit: SB 5226
- Teachers, parents as first teachers program: 2SHB 456, SB 5316, SSB 5476
- Teachers, pilot program to enhance student teaching: SB 5152
- Teachers, professional teacher preparation degree program: SB 5479, \*SSB 5479, CH 525 (1987), SB 5630
- Teachers, provisional period of 2 years established: SB 5930
- Teachers, recruitment of teachers from underrepresented groups, SPI pilot program, grants: SB 5631
- Teachers, retired, health care coverage for retired teachers: SB 5698
- Teachers retirement allowance adjustments revised: SB 5508

**SCHOOLS—cont.**

- Teachers, retirement benefits for part-time teachers revised: \*SHB 1128, CH 265 (1987)
- Teachers' retirement, cost-of-living adjustments: \*SB 5380, CH 455 (1987)
- Teachers, sabbatical grant program: SB 5532
- Teachers, salaries, appropriation modified: HB 1264, CH 1 E3 (1987)
- Teachers, self-esteem environment: SB 5313
- Teachers' service retirement allowance, adjustment reflecting excess growth, provision modified: SB 5509
- Teachers, specialization endorsement, grade levels and subject areas: HB 485, \*SSB 5479, CH 525 (1987), SB 5622
- Teachers to stress self-confidence as way to realize academic innate potential: SSB 5313
- Teachers, training requirements, teacher's aide experience counts for credits: \*SHB 982, CH 464 (1987)
- Teachers, 21st century pilot program: SB 5479, \*SSB 5479, CH 525 (1987)
- Telecommunications network: SB 5977, \*SSB 5977, CH 279 (1987)
- Territory loss, financial loss due to, compensation: SB 5155, \*SSB 5155, CH 100 (1987)
- Tobacco, smokeless tobacco banned on school grounds: SB 5754
- Tobacco, tax, revenue to be used for education on the harmful effects of tobacco: SB 5754
- Transportation contracts, competitive bidding required: \*HB 827, CH 141 (1987), SB 5662
- Truancy, educational ministries, exemption: SB 5208
- Twenty-first century pilot program: SB 5479, \*SSB 5479, CH 525 (1987)
- Voter registration programs in high school: SHB 804
- Washington state education act of 1987, local control: SB 5997
- Workers' compensation, services rendered by IAA are not covered: SB 6052
- Year, days increased to 200: SB 5951

**SCHWERIN, DON S.**

- Trustee, Walla Walla community college district no. 20,  
GA 9098, confirmed ..... pp. 254, 1502, 2411

**SCIENCE**

- Schools to include science, with a special reference on environment, in curriculum: \*HB 770, CH 232 (1987), SB 5834

**SCOTCH BROOM**

- Banned from state highways, eradication program, transportation budget: \*SSB 6076, CH 10 E1 (1987)

**SCUBA DIVERS**

- License to take fish or shellfish recreationally: SB 5126

**SCULL, DR. ELIOT W.**

- Member, interagency committee for outdoor recreation,  
GA 9030 ..... p. 30

**SEA GRANT PROGRAM (See also OCEAN RESOURCES)**

- Ocean resource assessment: SB 5533, \*SSB 5533, CH 408 (1987)

**SEAT BELTS**

- Insurance rates based on safety belts and passive restraint usage: SB 5113, \*SSB 5113, CH 310 (1987)

**SEATTLE**

- First avenue south bridge, study, revenue bonds authorized: \*SB 5129, CH 510 (1987)

**SEATTLE COMMUNITY COLLEGE DISTRICT NO. 6**

- Phyllis G. Kenney, trustee, GA 9135 ..... p. 2703
- Lowell E. Knutson, trustee, GA 9103, confirmed ..... pp. 377, 935, 1797

**SECONDARY TREATMENT**

- Compliance schedules, DOE to look at local factors: SHB 609
- Discharge permits, monitoring power increased, administrative revision: SHB 447, SB 5473, SSB 5473
- Puget Sound, permit violations, DOE and PCHB to report on implementation and enforcement of PSWQA guidelines: SSB 5073
- Waiver allowed when certain conditions met: SB 5044
- Wastewater treatment facilities, revisions regarding certification of workers, etc.: \*SHB 388, CH 357 (1987), SB 5406, SSB 5406

**SECRETARY OF DEFENSE, OFFICE OF**

- Gary K. Carlson, executive secretary introduced and addressed senate ..... p. 500

**SECRETARY OF STATE**

- Certification of elections ..... pp. 1, 44
- Capital budget: \*SHB 327, CH 6 E1 (1987)
- Initiative and referendum filing time specified: \*SHB 188, CH 161 (1987)
- Initiative to the legislature no. 92 ..... p. 59
- Vetoed and partially vetoed messages from '86 session ..... p. 60
- Certification of initiative to the legislature no. 92 ..... p. 94
- Nonprofit corporations and charities, study to correlate with federal income exemption: \*SSB 5717, CH 190 (1987)
- Operating budget: \*SHB 1221, CH 7 E1 (1987)
- Term of office commencement date revised: SB 5011
- Transfer of office to the department of licensing: SB 5029
- Transmitting Governor's proclamation convening special session ..... p. 2679
- Transmitting Governor's proclamation convening special session ..... p. 2691
- Voter registration, secretary of state to mail an informational package regarding registration: SB 5633

**SECRETARY OF THE SENATE**

- Sid Snyder, nominated and elected ..... p. 6

**SECURITIES**

- Debt-related securities, debenture companies, revisions: \*HB 713, CH 421 (1987)
- Enforcement of state securities laws, revisions: SB 5755, SSB 5755
- Licensing department, securities division, counsel may be employed: SB 5756
- Promotional shares, limiting the authority to establish regulations: SB 5865
- Public service companies, issuance of securities: \*SB 5668, CH 106 (1987)

**SECURITY INTERESTS (See also LIENS)**

- Fishermen, processor liens authorized: \*SHB 60, CH 148 (1987)
- Self-storage facilities, liens: SB 5595
- Uniform commercial code fees revised: \*SB 5194, CH 189 (1987)
- Warehousemen's liens, priority over all other liens and security interests: \*SB 5085, CH 395 (1987)

**SEED CAPITAL**

- Local seed capital pools authorized: HB 1124

**SEED CONDITIONING**

- Exempting seed for out-of-state sales from business and occupation tax: \*HB 67, CH 493 (1987), SB 5183

**SEINFELD, DENNIS G.**

- Trustee, Tacoma community college district no. 22, GA 9064, confirmed ..... pp. 36, 933, 2048

**SELF-ESTEEM**

- Schools, self-confidence to realize academic innate potential: SSB 5313
- Task force to promote self-esteem and personal and social responsibility: SB 5313

**SELF-INSURANCE**

- Businesses must maintain unit to manage industrial insurance: SHB 935
- Claims must be forwarded to department, time period specified: \*SHB 937, CH 290 (1987)
- Claims, self-insurers may select physicians to examine claimants: SB 5282
- Hospital bills must be paid within a certain time period: SB 5636
- Reimbursement for payments made out of own fund when state benefits applicable: SB 5788

**SELF-STORAGE**

- B & O tax clarified: SHB 404, HB 917, SB 5240
- Liens for owners of facilities: SB 5595

**SELLA, YAACOV**

- Consul general of Israel introduced and addressed senate . . . . . p. 566

**SELLAR, SENATOR GEORGE L.**

- Appointed member commerce and labor, rules and transportation committees . . . . . p. 24
- Appointed interim member joint legislative ethics board, legislative transportation committee . . . . . p. 2648

**SENDA, AMBROS T.**

- Speaker of Pohnpei legislature introduced and addressed senate and presented distinguished citizen certificate . . . . . p. 2045

**SENIOR CITIZENS**

- Criminal mistreatment classified for sentencing purposes: \*HB 753, CH 224 (1987)
- Criminal mistreatment, substantial bodily harm redefined: SB 5449
- Fishing licenses, game department time limit to establish policy is extended: SB 5641, SSB 5641
- Home care regulated: SB 5404, SSB 5404
- Long-term care ombudsman office moved to AG, advisory committee created: SB 5270
- Long-term care to be addressed by DSHS, demonstration projects: SSB 5453, \*2SSB 5453, CH 409 (1987)
- Malicious reporting of abuse, penalties imposed: SHB 608, SB 5707
- Mobile home rental space availability, study senior citizen impact, increase land that is available: SB 5076
- Property tax exemption, limit raised: SB 5084
- Property taxes and special assessment, alternate deferral program: SB 5041
- Respite care services, enhanced: SHB 524, SB 5453, SSB 5453, \*2SSB 5453, CH 409 (1987)
- Tax exemption to include disabled veterans: SB 5651
- Taxes, real property exemptions, threshold levels revised: \*SHB 695, CH 301 (1987)

**SENTENCING**

- Community custody program for sex and violent offenders: 2SHB 756, SB 5577
- Community service hours, conversion: SB 5654, SSB 5654, 2SSB 5654
- Community supervision, revisions: SB 5086, SSB 5086, 2SSB 5086, SB 5654, SSB 5654
- Conditional discharge: SSB 5086, 2SSB 5086
- Controlled substance violations are violent offenses: SB 5545, SSB 5545
- Controlled substances, penalties increased: SB 5701
- Court authority modified: \*2SHB 684, CH 456 (1987), SB 5545, SSB 5545
- Criminal mistreatment classified: \*HB 753, CH 224 (1987)
- Current offenses: 2SHB 684, SB 5545, SSB 5545
- Deadly weapon offenses, additional community supervision: SB 5086
- DeGuilio, Daniel, appointed to the juvenile disposition standards commission: SGA 9126
- Drugs, 20 year minimum sentence for offenses involving minors: SB 5121



**SENTENCING—cont.**

- Execution dates, renewed death warrants don't require defendant's presence: \*SB 5549, CH 286 (1987)
- Interstate compact, community supervision is the same as probation: \*2SHB 684, CH 456 (1987), SB 5545, SSB 5545
- Juvenile disposition standards, modification: SCR 8409
- Offender score, offense committed while under community supervision, one point: SB 5086, SSB 5086, 2SSB 5086
- Operating budget: \*SHB 1221, CH 7 E1 (1987)
- Out-of-state convictions, how dealt with: \*2SHB 684, CH 456 (1987), SB 5545, SSB 5545
- Partial confinement includes work release: \*2SHB 684, CH 456 (1987), SB 5545, SSB 5545
- Post-release community supervision: SSB 5086, 2SSB 5086
- Presentence report, offender management, sex offenses: SB 5654, SSB 5654, 2SSB 5654
- Probation, interstate compact, community supervision is the same as probation: \*2SHB 684, CH 456 (1987), SB 5545, SSB 5545
- Probation revisions: SB 5654
- Restitution, fines, etc., default provisions: SB 5654, SSB 5654, 2SSB 5654
- Revisions: \*2SHB 684, CH 456 (1987), SB 5545, SSB 5545
- Second degree assault redefined, knowingly assaults a person under 12: HB 752
- Sex offenders, presentence, offender management: SB 5654, SSB 5654, 2SSB 5654
- Sex offenses, multiple incidents of abuse, aggravating circumstances for an exceptional sentence: \*HB 1204, CH 131 (1987)
- Sex offenses, revisions to community supervision: SB 5086, SSB 5086, 2SSB 5086
- Tolling of sentences: SB 5654, SSB 5654, 2SSB 5654
- Violations of conditions or requirements, state has the burden of showing non-compliance: SB 5086, SSB 5086, 2SSB 5086
- Work release, defined: \*2SHB 684, CH 456 (1987), SB 5545, SSB 5545
- Workers' compensation coverage for community service limited to medical aid benefits: SB 6042

**SENTENCING GUIDELINES COMMISSION**

- Patricia Anthony, reappointed member, GA 9083, confirmed ..... pp. 40, 382, 973
- Arthur D. Curtis, member, GA 9070, confirmed ..... pp. 37, 386, 936
- Anne L. Ellington, reappointed member, GA 9171 ..... p. 2710
- Eileen P. Farley, member, GA 9169 ..... p. 2710
- Barbara Granlund, member GA 9109, confirmed ..... pp. 565, 987, 1708
- John Ladenburg, member, GA 9168 ..... p. 2709
- John J. Ripple, member, GA 9113, confirmed ..... pp. 763, 961, 1709
- Judge Donald H. Thompson, member, GA 9046, confirmed ..... pp. 33, 381, 565
- Justice department created: SB 5026, SSB 5026
- Operating budget: \*SHB 1221, CH 7 E1 (1987)

**SEPTIC TANKS**

- Disclosure upon sale of property: SHB 645, SB 5587
- DSHS to review alternative systems: SB 5939
- Onsite sewage disposal system, periodic pumping required: SB 5574

**SEQUIM IRRIGATION FESTIVAL ROYALTY**

- Queen Gia Snyder and princesses Michelle Matheng, Lynie Brown and Carun DeChant introduced ..... p. 1123

**SERGEANT AT ARMS**

- O. F. "Ole" Scarpelli, nominated and elected ..... p. 7

**SERVICE OF PROCESS**

- Who may summons be served on: \*HB 1199, CH 361 (1987)

**SERVICE STATIONS**

- Delivery trucks to have meters and supply receipts: SB 5565, \*SSB 5565, CH 42 (1987)
- Equipment and facilities to be provided for customers such as air, bathrooms, window washing supplies: SB 5670
- Franchise violations, consumer protection: SB 5671
- Fuel refiners/suppliers may not operate retail outlets: SB 5674
- Market share, when over 20% refiners/suppliers cannot operate outlets: SB 5673
- Motor fuel inspections: SB 6059
- Purchase requirements from producer/refiner unlawful: SB 5672
- Refiners may own under certain conditions: SB 5672

**SERVICES - TAXATION**

- Health care access act of 1987: SB 5357
- Major revision of excise taxes: SHB 404
- Taxing services, providing B & O and utility tax deduction and reducing the sales tax rate, Governor's request: SB 5360

**SETTLEMENTS**

- Insurance claims, notice to insured required of impending settlements: SB 5547
- Judgments, settlement offers rejected, judgment 25% less: SB 5490, SB 6015
- Judicial council to study whether civil appeals should have mandatory settlement conferences: SB 5262, \*SSB 6048, CH 212 (1987)
- Revisions: SB 5262, \*SSB 6048, CH 212 (1987)
- Study by judicial council of mandatory appellate settlement conferences: SB 6048, \*SSB 6048, CH 212 (1987)

**SEVIN**

- Use prohibited in crab or juvenile anadromous fish habitat: SB 5038

**SEWAGE**

- Chehalis River, municipal discharge, standards adjusted to reflect credit for substances removed: \*SHB 571, CH 399 (1987)
- Columbia River, municipal discharge, standards adjusted to reflect credit for substances removed: \*SHB 571, CH 399 (1987)
- Connection charges may be imposed by metropolitan municipal corporations: SSB 5006, SB 5954
- Connection to county or city system may be required: SHB 929, SB 5786
- Cowlitz River, municipal discharge, standards adjusted to reflect credit for substances removed: SHB 571
- Discharge permits, monitoring power increased, administrative revisions: SHB 447, SB 5473, SSB 5473
- Incinerator residues resulting from burning municipal wastes are classified as special: SB 5570, \*SSB 5570, CH 528 (1987)
- Lewis River, municipal discharge, standards adjusted to reflect credit for substances removed: SHB 571
- Liens, delinquent aquifer protection fees: \*HB 1016, CH 381 (1987)
- Low-income persons, aquifer protection fee reduction for sewage disposal: \*HB 1016, CH 381 (1987)
- Marina waste disposal: SB 5306, SSB 5306
- Municipal discharge from treatment plant into certain specified rivers: SHB 571
- Municipal discharge from treatment plants if water quality is intact: SB 5303, SSB 5303
- On-site disposal, DSHS to review alternative systems: SB 5939
- On-site sewage disposal system, periodic pumping required: SB 5574
- Public utility tax on sewerage collection businesses, clarified: \*HB 200, CH 207 (1987), SB 5235
- Puget Sound, permit violations, DOE and PCHB to report on implementation and enforcement of PSWQA guidelines: SSB 5073
- Secondary sewage treatment, waiver allowed when certain conditions met: SB 5044

**SEWAGE—cont.**

- Secondary treatment, compliance schedules, DOE to look at local factors: SHB 609
- Septic tanks, disclosure upon sale of property: SHB 645, SB 5587
- Service agreements, financing provided: \*SHB 523, CH 436 (1987), SB 5454, SSB 5454
- Skagit River, municipal discharge, standards adjusted to reflect credit for substances removed: SHB 571
- Wastewater permits, incorporate conditions for all known, available, and reasonable methods to control toxics: \*SHB 499, CH 500 (1987)
- Wastewater treatment facilities, revisions regarding certification of workers, etc.: \*SHB 388, CH 357 (1987), SB 5406, SSB 5406
- Water conservation measures: SB 5314, SSB 5314

**SEWER DISTRICTS**

- Absent commissioner replacement process: \*SHB 2, CH 449 (1987)
- Annexation of unincorporated contiguous territory: \*SHB 2, CH 449 (1987)
- Board membership, increasing: \*SHB 2, CH 449 (1987)
- Competitive bidding: SB 5514, \*SSB 5514, CH 309 (1987)
- Connection charge repayment period lengthened: \*SHB 2, CH 449 (1987)
- Foreclosure of local improvement assessments: \*SHB 2, CH 449 (1987)
- Formation or reorganization, petition to specify the proposed assessment, assessment limited: \*SB 5019, CH 33 (1987)
- Privately financed extensions, district cannot require plans be prepared by specific individual: \*SSB 5514, CH 309 (1987)
- Revenue bond authority enlarged to include other corporate purposes: \*SHB 2, CH 449 (1987)
- Sale of property, no purchasers for appraised value, procedure: SHB 97
- Street lighting decision, objection period reduced: \*SHB 2, CH 449 (1987)
- Transfer of part of district to adjacent district: \*SHB 2, CH 449 (1987)
- Voter approval for the formation of county local improvement districts: SB 5738
- Wastewater management authority provided: \*SHB 2, CH 449 (1987)

**SEX OFFENSES**

- Background investigations of persons being considered for hire by businesses: \*2SSB 5063, CH 486 (1987)
- Community custody program for sex and violent offenders: 2SHB 756, SB 5577
- Community supervision, revisions: SB 5086, 2SSB 5086, SSB 5086
- Conviction before 7/1/87, treatment evaluation by DSHS: \*SB 5550, CH 402 (1987)
- Multiple incidents of abuse is an aggravating circumstance for an exceptional sentence: \*HB 1204, CH 131 (1987)
- Post-release community supervision: SSB 5086, 2SSB 5086
- Presentence report for offender management: SB 5654, SSB 5654, 2SSB 5654
- Serious violent offenses distinguished: SB 5677
- Treatment authority: SB 5677
- Treatment evaluation process: \*SB 5550, CH 402 (1987)
- Treatment program, operating budget for department of corrections: \*SHB 1221, CH 7 E1 (1987)
- Witnesses to sexual offenses or assault, reporting revised: \*2SHB 586, CH 503 (1987), SB 5065, SSB 5065

**SEXUAL ORIENTATION**

- Discrimination prohibited: SB 5736, SSB 5736
- Insurance discrimination prohibited: SB 5773

**SEXUALLY TRANSMITTED DISEASES (See also AIDS)**

- Notification of death from an infectious or communicable disease: HB 814

**SHAKE/SHINGLE MILLS**

- Industrial insurance rates frozen: SB 5964

**SHANEWISE, DR. ROBERT P.**

Member, hospital commission, GA 9011,  
confirmed .....

pp. 27, 2067, 2404

**SHAREHOLDER PROGRAM**

Centennial celebration, DCD duties: SB 5573

**SHEET METAL WORKERS**

Certification required: SHB 1117

**SHELLFISH**

Indian shellfish claims, mediation process: SB 5158, SSB 5158

Leasing lands for hydraulic harvesting of subtidal hardshell clams: \*SHB 928, CH  
374 (1987)

Operating budget: \*SHB 1221, CH 7 E1 (1987)

Sevin, use prohibited in crab or juvenile anadromous fish habitat: SB 5038

Skin or scuba divers, license to take fish or shellfish recreationally: SB 5126

**SHELTERS**

Alcoholism and drug addiction treatment and shelter program: \*SHB 646, CH 406  
(1987), SB 5568

**SHOPPING CENTERS**

Signs, highway advertising criteria: \*SSB 5123, CH 469 (1987)

**SHORELINE COMMUNITY COLLEGE DISTRICT NO. 7**

Linda S. Johnson, trustee, GA 9087, confirmed .....

pp. 146, 934, 2408

Susan M. Johnson, trustee, GA 9093, confirmed .....

pp. 147, 935, 2250

**SHORELINE MANAGEMENT**

Bogs, marshes, and swamps included in wetland and shoreline definition: SB  
5984

Docks, community docks, limited construction allowed if for multiple family resi-  
dential use: SB 5784, \*SSB 6061, CH 474 (1987)

Reviews, AG and DOE may intervene: SB 5724

Revisions, geotechnical exploration: SB 5724

Study to be conducted of the coast and shoreline: SB 5533, SSB 5533

Wetlands, DOE to report on need for expanded jurisdiction: SSB 5984

**SHOTGUNS**

Sawed-off shotguns and short rifles, prohibited: SB 5710, SSB 5710

**SHREVE, JOHN L.**

Member, parks and recreation commission,

GA 9100, confirmed .....

pp. 254, 443, 1979

**SICK LEAVE**

Accumulated sick leave, revisions: SB 5291

**SIDEWALKS**

Property owner to keep clear, enforcement process, appeals: SSB 5957

Property owner to keep sidewalks clear of snow and ice: SB 5957

**SIGNS**

Agricultural products, highway advertising controls revised: SB 5123, \*SSB 5123,  
CH 469 (1987)

Electric signs, pre-wiring may be done without electrician's license: SB 5663

Highway advertising controls revised: \*SSB 5123, CH 469 (1987)

Regional shopping centers, highway advertising criteria: \*SSB 5123, CH 469  
(1987)

**SILVER**

Commodity brokers, license revisions: \*SB 5178, CH 243 (1987)

**SILVER LAKE DAM**

Capital budget: \*SHB 327, CH 6 E1 (1987)

**SIMPSON, W. HUNTER**

Reappointed member, board of regents, University  
of Washington, GA 9158 ..... p. 2708

**SIMS, RON**

Appointed member juvenile disposition standards board,  
GA 9124 ..... p. 2628

**SKAGIT RIVER**

Municipal water treatment discharge, standards adjusted to reflect credit for  
substances removed: SHB 571

**SKAGIT VALLEY COMMUNITY COLLEGE DISTRICT NO. 4**

Mary Ann Funk, trustee, GA 9077, confirmed ..... pp. 39, 934, 2136

**SKATING LAKE TRUST PROPERTY**

DNR lands, certain transferred to the parks and recreation commission: SHB 550

**SKIING**

Liability of operators and users of commercial ski areas revised: SB 6075  
Winter recreation commission reestablished: SB 5081, \*SSB 5081, CH 526 (1987)

**SKIN DIVERS**

License to take fish or shellfish recreationally: SB 5126

**SLASH BURNS**

Fire history of Washington state, history of slash burning, DOE, UW, DNR, and  
energy office: SSB 5853

Regulated: SB 5853

Smoke management plan to be reviewed by DNR and DOE: SSB 5853

**SLAUGHTERING**

Custom slaughtering facilities, revisions: \*SB 5381, CH 77 (1987)

**SLOT MACHINES**

Antique slot machines redefined, 25 years old or more: \*SB 5032, CH 191 (1987)

**SMALL BUSINESS EXPORT FINANCIAL ASSISTANCE CENTER**

Henry M. Aronson, member, GA 9106, confirmed ..... pp. 515

Richard E. Bangert, member, GA 9024, confirmed ..... pp. 29, 858, 889

Lawrence M. Killeen, member, GA 9112 ..... p. 566

Ruihann Kurose, member, GA 9020, confirmed ..... pp. 28, 858, 927

Dr. Yih-Ho (Michael) Pao, member, GA 9019 ..... p. 28

**SMALL BUSINESSES**

Advisory council, extending: SB 5528

Incubator projects, funding: 2SSB 5398, SB 5665, SSB 5665, 2SSB 5665

Industrial development corporations, major revisions designed to help new and  
small businesses: HB 1124, SB 5398, SSB 5398, 2SSB 5398

Industrial development corporations, renamed business and industrial develop-  
ment corporations: 2SSB 5398

Investment opportunities office: 2SSB 5398, SB 5589

Minority and women's business enterprises must be a small business concern: SHB  
20, \*SB 5529, CH 328 (1987), SB 5567

Minority and women's businesses must meet small business requirements: SHB 20,  
SB 5202, SSB 5202, \*SB 5529, CH 328 (1987)

Office expanded and renamed the business assistance center: \*SSB 5530, CH 348  
(1987)

Office of small business duties expanded: SB 5530

Regulatory fairness, improving: SB 5831

Seed capital, local seed capital pools authorized: HB 1124

Small business conference supported: SCR 8410

Small business loan program established: 2SSB 5398, SB 5588

State policy guidelines for promotion and assistance: HB 1153

**SMALL BUSINESS PERSON OF THE YEAR**

Frances Johnson introduced and addressed senate ..... p. 708

**SMALL CLAIMS COURT**

Jurisdictional amount increased: SB 5198, SB 5262, SB 5943

Model small claims informational brochure to be prepared: SB 5943

Revisions, appeals: SB 5943

**SMALL WORKS ROSTER**

Public works, threshold increased: HB 314, \*SB 5522, CH 218 (1987)

**SMITHERMAN, SENATOR BILL**

Oath of office ..... p. 3

Appointed member commerce and labor, vice chair; education, energy and utilities and transportation committees ..... p. 24

Appointed interim member joint committee on pension policy, Washington state efficiency study commission, joint select committee on labor/management .. pp. 2647, 2648

**SMOKELESS TOBACCO**

School grounds, banned: SB 5754

Tax on tobacco products, revenue to be used for education on the harmful effects of tobacco: SB 5754

**SMOKING**

Pollution from smoking controlled, if nonsmokers cannot be accommodated then smoking is prohibited: SHB 13, SB 5399

Smoking in the workplace regulated: SHB 13

State agencies, no smoking if a satisfactory accommodation between smokers and nonsmokers cannot be reached: SSB 5399

**SNOHOMISH RIVER**

Flood control zone, certain towns may apply for exemptions: SSB 5156

**SNOW**

Sidewalks must be kept clear by property owner: SB 5957

Study of control activities by WSDOT and LTC: \*SSB 6076, CH 10 E1 (1987)

**SNUFF**

Banned on school grounds: SB 5754

Purchase by minors is a misdemeanor: SHB 76, SB 5092

Retailers' license required, revokable for sale to minors: SHB 76, SB 5092

Sale to person under 18 illegal, warning at point of sale: SHB 76

Tax on tobacco products, revenue to be used for education on the harmful effects of tobacco: SB 5754

**SNYDER, GIA**

Sequim irrigation festival queen introduced ..... p. 1123

**SNYDER, DR. MAX M.**

Member, state board for community college education,

GA 9067, confirmed ..... pp. 37, 1502, 2049

**SNYDER, SID (See also SECRETARY OF THE SENATE)**

Elected secretary of the senate ..... p. 6

**SOCIAL AND HEALTH SERVICES, DEPARTMENT OF**

Sugarman, Jule M., appointed secretary: GA 9038 ..... pp. 32, 2043

Accountability boards established for children and family services local offices: SB 5386, 2SSB 5659

Adult dental program, operating budget: \*SHB 1221, CH 7 E1 (1987)

Advisory committee membership and duties changed: SHB 152, SB 5229

Alcohol program, liquor revolving fund: HB 1228, SB 5070, SSB 5070

Background investigations of persons being considered for hire by businesses: \*2SSB 5063, CH 486 (1987)

## SOCIAL AND HEALTH SERVICES, DEPARTMENT OF—cont.

- Capital budget: \*SHB 327, CH 6 E1 (1987)
- Caseload forecast supervisor, economic, revenue, and caseload forecast council: HB 1239
- Caseworkers, comprehensive training standards: \*2SHB 586, CH 503 (1987)
- Child abuse and neglect, primary prevention program in the schools: SB 5252, SSB 5252, \*2SSB 5252, CH 489 (1987)
- Child and family services, hire 21 FTE clerical staff to support caseworkers: 2SHB 586
- Child and family services, multidisciplinary teams in each region to assess/consult instances of risk to a child: \*2SHB 586, CH 503 (1987)
- Child and family services, report to legislature: \*SHB 1221, CH 7 E1 (1987)
- Child and family services, risk assessment tool, use on a pilot basis: \*2SHB 586, CH 503 (1987)
- Child and family services, 6 additional AGs: 2SHB 586
- Child care resource coordinator: \*SSB 6013, CH 329 (1987)
- Children and family services division, accountability boards established: SB 5386, 2SSB 5659
- Children and family services pilot project, comprehensive system state-wide by 1990, continuum of services: \*2SHB 586, CH 503 (1987), SB 5553, SSB 5553, 2SSB 5553
- Children's services staff training academy, DSHS: \*2SHB 586, CH 503 (1987)
- Children's services staff training academy, implementation plan by DSHS and WWU: SB 5554
- Chore services, appropriating money for additional chore services: \*HB 1261, CH 2 E2 (1987)
- Contracts, hourly wage increased for group home services, day care, and domestic violence shelters: \*SHB 1221, CH 7 E1 (1987)
- Contracts, performance-based contracts, client outcome standards: \*SHB 1221, CH 7 E1 (1987)
- Corrections standards board duties transferred to OFM, DSHS, and corrections department: \*SHB 738, CH 462 (1987)
- CPS, abuse investigators to take into account child rearing practices of culture of child: SB 5554, SB 5659, SSB 5659
- CPS, child protective services defined: SB 5554, SB 5659, SSB 5659, \*2SSB 5659, CH 524 (1987)
- CPS, dependency petition, allegations revised: SB 5554, SB 5659, SSB 5659, \*2SSB 5659, CH 524 (1987)
- CPS, parents given review opportunity of CPS plan before disposition hearing: SB 5554, SB 5659, SSB 5659, \*2SSB 5659, CH 524 (1987)
- Disabled persons, disincentives to work in public benefit programs, study: SB 5329, \*SSB 5329, CH 91 (1987)
- Education assistance for public assistance recipients: SB 6006
- Financial recovery, consolidating statutes: HB 151, \*SB 5227, CH 75 (1987)
- Financial responsibility: SB 5719, SSB 5719
- Foster care, operating budget: \*SHB 1221, CH 7 E1 (1987)
- Foster parent training as part of foster care program: \*2SHB 586, CH 503 (1987)
- Indian child welfare services, operating budget: \*SHB 1221, CH 7 E1 (1987)
- Medicare, other federal medical programs, consumer protection provisions: SB 5781
- Multi-ethnic casework staff: \*SHB 1221, CH 7 E1 (1987)
- Navy home port impact, funds to offset: \*SHB 611, CH 272 (1987)
- New agency created out of DOE and part of DSHS, department of public health and environment: SB 5377, SSB 5377
- Nursing home wages and benefits: \*HB 1260, CH 1 E2 (1987)
- Operating budget: \*SHB 1221, CH 7 E1 (1987)
- Overpayment of benefits to vendors and recipients, recovery modified: \*SHB 274, CH 283 (1987), SB 5341
- Prenatal care program provided: 2SHB 477, SB 5452, SSB 5452, 2SSB 5452

**SOCIAL AND HEALTH SERVICES, DEPARTMENT OF—cont.**

- Radioactive materials, transportation regulated: SB 5165, SSB 5165
- Regional health councils to monitor new financing and delivery systems: SB 6021
- School children, health and assessment services before school year begins, pilot program: SB 5625, SSB 5625
- Second avenue office, plan, operating budget: \*SHB 1221, CH 7 E1 (1987)
- Sewage disposal, DSHS to review alternative on-site systems: SB 5939
- Supplemental security income referral pilot project: \*SHB 1221, CH 7 E1 (1987)
- Victims of sexual abuse, operating budget: \*SHB 1221, CH 7 E1 (1987)

**SOCIAL WELFARE SERVICES**

- B & O tax: SB 5293

**SOCIAL WORKERS**

- Omnibus credentialing act for counselors: \*SHB 129, CH 512 (1987)
- Redefined, social service counselor: SB 5659, SSB 5659, \*2SSB 5659, CH 524 (1987)

**SOLEDUCK CORRIDOR TRUST PROPERTY**

- DNR lands, certain transferred to the parks and recreation commission: SHB 550

**SOLICITATION**

- Vagrancy, penalties: SB 5596, SSB 5596

**SOLID WASTE**

- Alternative energy systems, district heating: \*SHB 425, CH 522 (1987), SB 5425, SSB 5425
- Award for excellence in hazardous or solid waste management: \*HB 49, CH 115 (1987)
- Cedar Hills landfill, phasing out: SB 5068
- Cities and their counties to have a single authority between them to manage solid waste: SHB 115, SB 5218
- Compliance with local solid waste management plans required of businesses regulated by WUTC: \*SHB 238, CH 239 (1987)
- Comprehensive evaluation by joint select committee on preferred solid waste management: \*SSB 5570, CH 528 (1987)
- Incinerator residues resulting from burning municipal wastes are classified as special: SB 5570, \*SSB 5570, CH 528 (1987)
- Incinerators in unincorporated areas, conditional use permits: SHB 1053
- Landfills restricted for use in 1992, only certain materials: SHB 509
- Management plans, revisions: SHB 115, SB 5218
- Permit violations, DOE to develop a penalty schedule: SB 5073
- Service agreements, financing provided: \*SHB 523, CH 436 (1987), SB 5454, SSB 5454
- Unincorporated areas, conditional use permits for incinerators and landfills: SHB 1053
- Unlawful to transport to unpermitted site: SHB 832
- Violations, penalties increased: SHB 832

**SONG**

- State folk song designated, Roll On Columbia, Roll On: \*SSB 5081, CH 526 (1987)

**SORIANO, AMIGO**

- Member, board of pilotage commissioners,  
GA 9017

p. 28

**SOUTH AFRICA/NAMIBIA**

- Divestment of public pension funds: SB 5658, SSB 5658
- Investment of state funds in countries with apartheid policies prohibited: HB 823

**SOUTH PUGET SOUND COMMUNITY COLLEGE**

- Dominick, Gayer, appointed as a trustee: SGA 9091



**SPAIN, JENNIFER**

Member, of Ingraham high school state champion academic  
decathlon team, introduced and addressed senate ..... p. 890

**SPARE TIRES**

Full size spare tires required: SB 6026

**SPAS**

Revisions: \*SHB 259, CH 222 (1987), SB 5230, SSB 5230

**SPECIAL DISTRICTS**

Boundaries, dates established for cementing of boundaries for levy purposes:  
\*SHB 578, CH 358 (1987)

Elections may be held at office outside of district: SB 5888

Emergency service communication districts authorized: \*SHB 11, CH 17 (1987)

Improvements, threshold revised for district doing own work: \*HB 39, CH 298  
(1987)

Insurance, excess insurance: SB 5262

Lake management districts, provisions revised, rates and charges: \*SHB 63, CH  
432 (1987)

Review by LBC of authority to establish districts: \*HB 39, CH 298 (1987)

Special assessment bonds or notes, authority for imposition: \*HB 39, CH 298 (1987)

Sunrise act adopted: \*SB 5764, CH 342 (1987)

Transfer of territory to contiguous districts: \*HB 39, CH 298 (1987)

Vacancies, how filled: \*HB 39, CH 298 (1987)

**SPECIAL PURPOSE DISTRICTS**

Reviewing whole system due to proliferation, LBC and other committees to  
review: SB 5765

**SPECKHARDT, CARL**

Eagle scout from Puyallup introduced ..... p. 247

**SPECULATIVE BUILDERS**

Taxing labor rendered in constructing, repairing, or improving the building: SB  
5094, \*SSB 5094, CH 285 (1987)

**SPEED LIMIT**

Energy resource violations excluded from insurance abstracts: SB 5850

Energy waste as a traffic infraction: SB 5535

Increased to federal maximum where appropriate: \*SSB 5850, CH 397 (1987)

Major revisions, basic speed rule: SB 5850

National speed limit, if 55 MPH limit is repealed, WSDOT authority to set limit is  
terminated regarding conservation: SB 5481

Out-of-state residents to post bail for traffic infractions: SB 5061, \*SSB 5061, CH 345  
(1987), SB 5284, SB 5998

**SPOKANE**

Maple street toll bridge, removing tolls, bridge to be under sole ownership of the  
state: SHB 859

**SPOKANE COMMUNITY COLLEGE DISTRICT NO. 17**

Girard Clark, trustee, GA 9090, confirmed ..... pp. 146, 1502, 2409

**SPOKANE COUNTY**

Idaho residents working in bordering Washington counties to pay tax: SB 5956

**SPOKANE JOINT CENTER FOR HIGHER EDUCATION ADMINISTRATIVE  
BOARD**

Kaye Mickelson, member, GA 9015 ..... p. 27

**SPORTS**

Forecasting contests authorized: SHB 1165

Franchise ownership authorized by city, county, and state: \*SB 5955, CH 32 (1987)

**SPORTS—cont.**

Franchises, ownership by city limited by how the county uses its hotel/motel tax proceeds: \*SSB 5901, CH 8 E1 (1987)

Immunity for services without compensation for a nonprofit sports program: SB 5262

Vicious dogs regulated: SB 5301

**SPORTSMEN'S COMMISSION**

Created, archery, skeet and trap shooting, dog training, historical heritage events, etc., Olympic quality facility: SB 5394, SSB 5394

**SPOTTED OWL**

Review of Forest Service designation by Congress requested: \*SJM 8000 (1987)

**SPRAY PAINT**

Minors may not possess: SSB 5145

**SSI**

Pilot supplemental security income referral program: \*SHB 665, CH 177 (1987), SB 5593

State supplement of federal cost-of-living adjustments limited: SB 5723, SSB 5723

**STANDARD TIME**

Daylight savings, conforming the state statute to the federal statute: SB 6071

**STATE ACTUARY**

Operating budget: \*SHB 1221, CH 7 E1 (1987)

Pension policy, joint committee on pension policy created: \*HB 358, CH 25 (1987), SB 5359

Qualifications revised: \*HB 358, CH 25 (1987), SB 5359

**STATE AGENCIES AND DEPARTMENTS**

Credit card use: \*SB 5523, CH 47 (1987)

Furniture purchases, study: SHB 25, SB 5320

Incentives for state employees modified: \*HB 91, CH 387 (1987)

Justice department created: SB 5026, SSB 5026

Moving expenses, payment regulated: SB 5300, SSB 5300

New agency created out of DOE and part of DSHS, department of public health and environment: SB 5377, SSB 5377

New department created, department of state resources: SB 5027

New department created, justice department: SB 5026, SSB 5026

New department, department of information technology: SB 5555, SSB 5555

New department, educational services office, vocational education: SB 5468

New department, information services: \*SSB 5555, CH 504 (1987)

New department, wildlife department created, game department abolished: \*2SHB 758, CH 506 (1987), SB 5664, SSB 5664

Personal service contracts, restricting: SB 5111

Printing, private printing ok for small jobs: SB 5179, \*SSB 5179, CH 72 (1987)

Public health and environment, new agency created out of DOE and part of DSHS: SB 5377, SSB 5377

Reorganization of the executive branch: SJR 8211, SSJR 8211

Report requirements of various state entities modified: \*SHB 25, CH 505 (1987), SB 5082

Resources, department of state resources created: SB 5027

Rules, failure to adopt, review: SB 5058, \*SSB 5058, CH 451 (1987)

Rules review committee, suspension of agency rules authorized: SB 5057

Rules review procedures, agency's response to action: \*SSB 5058, CH 451 (1987)

Secretary of state transferred to the department of licensing: SB 5029

Smoking, no smoking if a satisfactory accommodation between smokers and nonsmokers cannot be reached: SSB 5399

Transportation department reorganized: SB 5028

**STATE AUDITOR**

- Audit services revolving fund: \*SHB 732, CH 165 (1987)
- Operating budget: \*SHB 1221, CH 7 E1 (1987)
- Protection given to employees reporting improper activity to legislators: SB 5031, SSB 5031
- Reporting of improper government activity to a legislator, protection for employee: SB 5031, SSB 5031
- Term of office, commencement date revised: SB 5011

**STATE CAPITOL HISTORICAL ASSOCIATION**

- Capital budget: \*SHB 327, CH 6 E1 (1987)
- Operating budget: \*SHB 1221, CH 7 E1 (1987)

**STATE CONVENTION AND TRADE CENTER**

- Authority revised: \*SSB 5901, CH 8 E1 (1987)
- Board membership to include a representative of hotel or motel management: \*SSB 5901, CH 8 E1 (1987)
- Joint legislative committee created, report on the alternatives of financing and management: \*SSB 5901, CH 8 E1 (1987)
- Joint select investigative committee: SCR 8412, SSCR 8412

**STATE EMPLOYEES**

- Attendance incentive program: SB 5290, SSB 5290, SB 5291
- Child abuse or abuse of developmentally disabled, access restricted: SB 5063, SSB 5063, \*SSB 5063, CH 486 (1987)
- Conflict of interest laws revised: \*SB 5201, CH 426 (1987)
- Daycare, capital budget: \*SHB 327, CH 6 E1 (1987)
- Dependent care plan, salary reduction plan, reduce gross income: \*SHB 844, CH 475 (1987)
- Health care insurance, state employees have the right to choose: SB 5934
- Incentives for state employees modified: \*HB 91, CH 387 (1987)
- Insurance laws revised: SB 5151
- Moving expenses, payment regulated: SB 5300, SSB 5300
- Real estate licenses, inactive, revisions concerning state employees: \*HB 435, CH 514 (1987), SB 5396
- Reporting of improper government activity to a legislator, protection for employee: SB 5031, SSB 5031
- School involvement program, volunteer program, state employees don't get docked for volunteering: SB 5476, SSB 5476
- Sick leave, accumulated, revisions: SB 5291
- Veterans preference for retired veterans modified: SB 5292, SSB 5292
- Wellness program established: \*SB 5217, CH 248 (1987)

**STATE EMPLOYEES' INSURANCE BOARD**

- Administrative account created: \*HB 378, CH 122 (1987), SB 5370
- Health care, peer review committee: SB 5934
- Name changed to public employees insurance board, revisions: SB 5151
- Renaming the revolving fund, principal account: \*HB 378, CH 122 (1987), SB 5370

**STATE INVESTMENT BOARD**

- Moore, Gary, member, GA 9069, confirmed ..... pp. 37, 901, 988
- Land bank, state investment board may invest in: SB 5174, \*SSB 5174, CH 29 (1987)
- Operating budget, investor responsibility research council: \*SHB 1221, CH 7 E1 (1987)

**STATE LANDS**

- DNR lands, certain transferred to the parks and recreation commission: SHB 550, \*SSB 5439, CH 466 (1987)
- Exchange, purposes modified: \*SHB 522, CH 113 (1987), SB 5438
- Ham radio operators may lease state lands: SB 5055, SSB 5055
- Indian land claims, right of action against state: SB 5974

**STATE LANDS—cont.**

Indian tideland and river bed claims, DCD to study impact of claims on employment, investment, and tax revenues: SSB 5973

Indian tideland and river bed claims, reinsurance of titles: SB 5973, SSB 5973

Public land permanent funds, investment authorized: \*SJR 8212 (1987)

Tidelands, leasing lands for hydraulic harvesting of subtidal hardshell clams: \*SHB 928, CH 374 (1987)

Timber, sale of damaged timber: \*HB 1027, CH 126 (1987)

**STATE PATROL**

Trooper Robert A. Cossar introduced and addressed Senate

SFR 1987-8624 ..... p. 563

Trooper James S. Gain honored

SFR 1987-8620 ..... p. 450

Accident reporting, property damage thresholds authorized: \*SHB 83, CH 463 (1987), SSB 5114

Collective bargaining: SB 5312, \*SSB 5312, CH 135 (1987)

Headquarters on the capitol campus, study, transportation budget: \*SSB 6076, CH 10 E1 (1987)

Justice department created: SB 5026, SSB 5026

Memorial fund, deduction from retirement allowance authorized: \*SB 5418, CH 63 (1987)

Operating budget: \*SHB 1221, CH 7 E1 (1987)

Retirement allowance for surviving spouses modified: \*HB 248, CH 173 (1987)

Retirement, interest rate, director to determine: \*SB 5513, CH 215 (1987)

Retirement, restoration within 5 versus 4 years: \*SB 5513, CH 215 (1987)

Transportation budget: \*SSB 6076, CH 10 E1 (1987)

**STATE PRINTER**

Paper products, recycled paper products given priority: SB 5376, SSB 5376, SSB 5376

**STATE PUBLICATIONS**

Report requirements of various state entities modified: \*SHB 25, CH 505 (1987), SB 5082

**STATE PURCHASES**

Competitive bidding, purchases without, threshold increased: SB 5180, \*SSB 5180, CH 81 (1987)

Paper products, recycled paper products given priority: SB 5376, SSB 5376

Printing, private printing ok for small jobs: SB 5179, \*SSB 5179, CH 72 (1987)

**STATE SANDWICH**

Salmon on whole wheat bread: SB 5759

**STATE TREASURER**

Gubernatorial appointment of office: SJR 8200

Operating budget: \*SHB 1221, CH 7 E1 (1987)

**STATEMENTS FOR THE JOURNAL**

Senator Talmadge, vote on ESB 5105 ..... p. 180

Senator Talmadge, vote on ESB 5110 and SSB 5130 ..... p. 263

Senator Talmadge, vote on ESB 5863, SSB 5978, 2SSB 5986, SB 5956, ESB 5821, SSJM 8012, SSJM 8013 ..... p. 662

Senator Talmadge, vote on SSB 5584, SSB 5219, ESSB 5266 ..... p. 747

Senator Talmadge, vote on SSB 5830, SSB 6002, SSB 6033 ..... p. 812

Senators Talmadge and von Reichbauer, intent on SHB 98 ..... p. 921

Senator Garrett, vote on SHB 400 ..... p. 1539.

Senator Böttiger, Indian land claims provisions, ESHB 1221 ..... p. 2511

Senator Hayner, Indian land claims provisions, ESHB 1221 ..... p. 2511

Senator Gaspard, Indian land claims provisions, ESHB 1221 ..... p. 2511

**STEAMBOAT ROCK TRUST PROPERTY**

DNR lands, certain transferred to the parks and recreation commission: SHB 550

**STEELHEAD**

Free punchcards for persons over 70: SB 5384

**STEFFENS, JOHN A.**

Member, housing finance commission, GA 9159 ..... p. 2708

**STEINBORN, SIDNEY**

Member, WPPSS board of directors,

GA 9053 ..... p. 34

**STEWART, LOUIS O.**

Reappointed member, marine employees commission,

GA 9047, confirmed ..... pp. 33, 2043, 2087

**STIER, TRAVIS**

Eagle scout from Marysville introduced ..... p. 247

**STORAGE BUSINESSES**

B & O tax: HB 917

B & O tax clarified: SHB 404, HB 916, SB 5240

**STORM WATER**

Delinquent storm water control charges, procedures for enforcement: \*HB 815,  
CH 241 (1987)

**STRATTON, SENATOR LOIS J.**

Second nomination of O. F. "Ole" Scarpelli

as sergeant at arms ..... p. 7

Appointed member human services and corrections, vice chair;

energy and utilities (nuclear waste transportation subcommittee, chair) and  
natural

resources committees ..... p. 24

Appointed member of committee, memorial service, HCR 4406 ..... p.182

Point of information, clarification of

amendments, E2SHB 758 ..... p. 2194

Appointed interim member municipal research council ..... p. 2648

**STREET CRIME PROGRAMS**

Operating budget: \*SHB 1221, CH 7 E1 (1987)

**STRYCHNINE**

Licensing for the sale and manufacture: \*SB 5105, CH 34 (1987)

Register, poison register required for sales: \*SB 5105, CH 34 (1987)

**STUN GUNS**

Prohibiting possession: SB 5869

**STURGEON**

Economic contribution of sport and commercial salmon and sturgeon fishing,  
operating budget: \*SHB 1221, CH 7 E1 (1987)

Economic impact of salmon and sturgeon harvest by DCD: SHB 223

Personal use license may be required: SB 5495, \*SSB 5495, CH 87 (1987)

**SUBPOENAS**

Labor and industries, director may authorize assistants to issue: SB 5407

**SUGARMAN, JULE M.**

Secretary, department of social and health services,

GA 9038 ..... pp. 32, 2043

**SUICIDE**

Natural death act, major revisions: SB 5696

Study on teenage suicides authorized: SHB 873

**SUNRISE NOTES**

Sunrise act: \*SB 5764, CH 342 (1987)

**SUN, EVELYN Y.**

Director, Washington state lottery,

GA 9048, confirmed ..... pp. 33, 859, 905

**SUNRISE REVIEW**

Business regulation review process established: SHB 7

**SUNSET**

Business improvements council: \*SSB 5530, CH 348 (1987)

Hispanic affairs commission: \*SSB 5191, CH 249 (1987)

Minority and women's business enterprises office: SHB 20, SB 5202, SSB 5202, \*SB 5529, CH 328 (1987)

Naturopathic physicians, regulating: \*SSB 5219, CH 447 (1987)

**SUPERCOLLIDER**

Proposal for locating in Washington, operating budget: \*SHB 1221, CH 7 E1 (1987)

**SUPERINTENDENT OF PUBLIC INSTRUCTION**

Capital budget: \*SHB 327, CH 6 E1 (1987)

Career ladder pilot project, salary and compensation, grants from SPI, select committee on career ladders created: SB 5726

Child abuse and neglect, primary prevention program in the schools: SB 5252, SSB 5252, \*2SSB 5252, CH 489 (1987)

Clearinghouse for education information, resources, and research: SSB 5313

Clearinghouse for educational information revolving fund: \*HB 410, CH 119 (1987), SB 5627

Communication system between districts to be created: SB 5997

Cooperative agreements between districts authorized: SB 5720, SSB 5720

Drop-out programs: \*2SHB 456, CH 518 (1987), SB 5476, SSB 5476, SB 5623

Drop-outs, high risk students, SPI to study: SB 5462

Drug and alcohol prevention programs, liquor revolving fund: \*HB 1228, CH 458 (1987), SB 5070, SSB 5070

Drugs and alcohol, youth substance abuse awareness program, SPI and districts: \*2SHB 456, CH 518 (1987), SB 5476, SSB 5476, SB 5628

Duty is to support and facilitate local districts, communication system between districts to be created: SB 5997

Education consolidation act of 1987, K-12 and community colleges: SB 5839

Educational clinics, funding in recognition of drop-out situation: SSB 5476

Eight grade basic skills test: SB 5981

Elementary school counselor program: 2SHB 456

Even start program: \*2SHB 456, CH 518 (1987), SB 5476, SSB 5476, SB 5629

Evergreen state examination program, measure pupil achievement: SB 5980

Food service funds: \*SB 5642, CH 193 (1987)

Gubernatorial appointment of office: SJR 8200

Health and assessment services before school year begins, pilot program: SB 5625, SSB 5625

Hispanic drop-out prevention and retrieval, operating budget: \*SHB 1221, CH 7 E1 (1987)

Horticulture greenhouse project, Sequim, operating budget: \*SHB 1221, CH 7 E1 (1987)

Industrial arts service areas within SPI: SB 5615

Innovative programs, requirements may be waived: \*SHB 786, CH 4Q1 (1987), SB 5982

International education and teacher exchange, Latin America, operating budget: \*SHB 1221, CH 7 E1 (1987)

International education issues, advisory committee to assist SPI, programs: \*SB 5463, CH 349 (1987)

Inventory of school facilities: SB 5626, SSB 5626

Learning assistance program: 2SHB 728, SB 5632, \*SSB 5632, CH 478 (1987)

**SUPERINTENDENT OF PUBLIC INSTRUCTION—cont.**

- Liquor revolving fund, juvenile alcohol and drug prevention programs: \*HB 1228, CH 458 (1987), SB 5070, SSB 5070
- Literacy, program for parents in head start or early childhood education programs: \*2SHB 456, CH 518 (1987), SB 5476, SSB 5476, SB 5629
- Mental sports competition and research committee: \*2SHB 456, CH 518 (1987)
- Multi-cultural/multi-ethnic instructional material, operating budget: \*SHB 1221, CH 7 E1 (1987)
- Navy home port impact, funds to offset: \*SHB 611, CH 272 (1987)
- Operating budget: \*SHB 1221, CH 7 E1 (1987)
- Parents as first teachers program: 2SHB 456, SB 5316, SSB 5476
- Performance audit by LBC: SB 5725
- Sabbatical grant program for teachers, SPI to establish a program: SB 5532
- Teacher certification, discuss other states' methods, reciprocity: \*SB 5433, CH 40 (1987)
- Teacher preparation program, award for excellence: SB 5246
- Teachers, recruitment of teachers from underrepresented groups, SPI pilot program, grants: SB 5631
- Telecommunications network: SB 5977, \*SSB 5977, CH 279 (1987)
- Term of office, commencement date revised: SB 5011
- Traffic safety related to alcohol and drugs, operating budget: \*SHB 1221, CH 7 E1 (1987)
- Vocational education, integrated state plan, operating budget: \*SHB 1221, CH 7 E1 (1987)
- Vocational education, transition period, task force on vocational education, temporary transfer of commission to SPI: SSB 5839
- Vocational or applied courses, model curriculum guidelines: \*SB 5248, CH 197 (1987)
- Youth substance abuse awareness program, SPI and districts: \*2SHB 456, CH 518 (1987), SB 5476, SSB 5476, SB 5628

**SUPPLEMENTAL BUDGET**

- Adopting: SB 5351, \*SSB 5351, CH 7 (1987)

**SUPPLEMENTAL SECURITY INCOME**

- Pilot supplemental security income referral program: \*SHB 665, CH 177 (1987), SB 5593
- State supplement of federal cost-of-living adjustments limited: SB 5723, SSB 5723

**SUPPORT (See CHILD SUPPORT)****SURFACE MINING**

- Permits and fees, modifications: \*SHB 56, CH 258 (1987)

**SURFACE TRANSPORTATION ASSISTANCE ACT**

- Congress asked to enact a continuing STAA: \*HJM 4000 (1987)

**SURGICAL ASSISTANTS**

- Insurance coverage for services of certified surgical assistants: SB 5250

**SURPLUS PROPERTY**

- Fire districts have priority in acquisition of public agency surplus property: SB 5256

**SURVEILLANCE**

- Drugs, wire-tapping, one-party consent law changed: SB 5070, SSB 5070, SB 5362

**SURVEYS AND MAPS**

- DNR is designated as responsible state agency: SB 5439, \*SSB 5439, CH 466 (1987)

**SURVIVAL KITS**

- Aircraft: \*HB 701, CH 273 (1987)

**SUSTAINABLE HARVEST**

- Determinations modified: \*SHB 55, CH 159 (1987), SB 5563

**SWANTZ, ALEXANDER**

Trustee, Walla Walla community college district no. 20,  
GA 9079, confirmed ..... pp. 39, 934, 2154

**SWEESY, JOHN D.**

Member, human rights commission,  
GA 9036, confirmed ..... pp. 31, 412, 493

**SWIFT, EARLYSE A.**

Reappointed trustee, Centralia community college  
district no. 12, GA 9139 ..... p. 2704

**SWIMMING POOLS**

Revisions: \*SHB 259, CH 222 (1987), SB 5230, SSB 5230

**SWINE**

Garbage feeding, provisions revised: \*HB 374, CH 163 (1987)

**TACOMA COMMUNITY COLLEGE DISTRICT NO. 22**

Robert E. Hunt, trustee, GA 9089, confirmed ..... pp. 146, 935, 2408  
Dennis G. Seinfeld, trustee, GA 9064, confirmed ..... pp. 36, 933, 2048

**TALL SHIPS**

Authorizing construction or renovation: SB 5702, SSB 5702  
Capital budget: \*SHB 327, CH 6 E1 (1987)

**TALMADGE, SENATOR PHIL**

Oath of office ..... p. 3  
Nomination of Senator A. L. "Slim" Rasmussen  
president pro tempore ..... p. 3  
Appointed member judiciary, chair; governmental operations  
and ways and means committees ..... p. 24  
Statement for journal, vote on ESB 5105 ..... p. 180  
Statement for journal, vote on ESB 5110 and SSB 5130 ..... p. 263  
Procedural question, order of amendments, SSB 5070 ..... p. 285  
Statement for journal, vote on ESB 5863, SSB 5978,  
2SSB 5986, SB 5956, ESB 5821, SSJM 8012, SSJM 8013 ..... p. 662  
Point of order, amendment to SSB 5710 ..... p. 679  
Point of order, amendment to 2SSB 5252 ..... p. 710  
Statement for journal, vote on SSB 5584, SSB 5219, ESSB 5266 ..... p. 747  
Statement for journal, vote on SSB 5830, SSB 6002, SSB 6033 ..... p. 812  
Statement for journal, intent on SHB 98 ..... p. 921  
Point of order, amendment to SHB 773 ..... p. 1124  
Parliamentary inquiry, order of amendments, ESHB 26 ..... p. 1189  
Point of order, amendment to SHB 244 ..... p. 1431  
Point of order, amendment to HB 1205 ..... p. 1644  
Point of order, motion to support senate rule 52 properly before senate ..... p. 1713  
Point of order, bill properly before senate, ESHB 611 ..... p. 2091  
Parliamentary  
inquiry,  
majority of votes needed, SSB 5901 ..... p. 2538  
Appointed interim member condominium committee, revising the judicial council,  
organized crime advisory board, statute law committee, legislative budget  
committee ..... p. 2648

**TANNER, SENATOR JOE**

Oath of office ..... p. 3  
Appointed member transportation, vice chair (West); commerce and labor and  
human services and corrections committees ..... p. 24  
Appointed member of committee, memorial service, HCR 4406 ..... p. 182  
Parliamentary inquiry, amendment to ESHB 451 ..... p. 1740  
Appointed interim member legislative committee on economic development  
and LEAP committee ..... p. 2648



**TASK FORCES**

- Business assistance center coordinating task force: \*SSB 5530, CH 348 (1987)
- Civil infractions, task force established: \*2SHB 684, CH 456 (1987), SB 5083, SSB 5083
- Crime laboratory task force: SB 5460, SSB 5460
- Disabled persons, interagency task force on disability training and placement: \*SSB 5326, CH 369 (1987)
- Juvenile code, task force on permanency planning, continuation of effort: HCR 4409
- Pacific fisheries task force established: HCR 4402
- School drop-out task force, Governor and SPI: \*2SHB 456, CH 518 (1987)
- Schools for the 21st century: \*SSB 5479, CH 525 (1987)
- Schools, forms that teachers fill out, streamline: SSB 5479
- Self-esteem task force to promote personal and social responsibility: SB 5313
- Slash burns: SB 5853
- Vocational education, transition period, task force on vocational education, temporary transfer of commission to SPI: SSB 5839

**TAX APPEALS BOARD**

- Lucille M. Carlson, member, GA 9025, confirmed ..... pp. 29, 901, 988
- Richard A. Virant, member, GA 9108 ..... pp. 34, 539
- Operating budget: \*SHB 1221, CH 7 E1 (1987)

**TAXES - AIRCRAFT EXCISE TAX**

- Aircraft registration and excise tax collection responsibility to WSDOT from DOL: \*HB 403, CH 220 (1987)

**TAXES - BOATS**

- Educational or religious purposes, tax exempt if used exclusively in this manner: SB 5782

**TAXES - BUSINESS AND OCCUPATION TAX**

- Additional tax levied as part of Governor's request revising excise taxes: SHB 404
- Administration revised, item not previously taxed, only taxed past new date: SB 5182, SSB 5182
- Adult family homes exempt: SB 5200, SB 5272, \*SSB 5293, CH 4 E1 (1987)
- Appeal of tax, challenger wins, attorney fees: SB 5182
- Appeal of tax, prevailing party to receive attorney fees: SSB 5182
- Associate development organizations, deduction for payments under state contract: SB 5261
- Deductions for amounts invested in industrial development corporations: SB 5398, SSB 5398, 2SSB 5398
- Deductions, Governor's request imposing a sales tax on services: SB 5360
- Fruit/vegetable packing material exempt: SB 6072
- Hops shipped out of state, tax exempt: SB 6033, \*SSB 6033, CH 495 (1987)
- Ingredients, components, primary purpose test established: SB 5237
- Investment activities taxed: SB 6070
- Mini-storage tax clarified: SHB 404, HB 916, HB 917, SB 5240
- Multiple activities, interstate and intrastate, modifications: \*SB 6078, CH 3 E2 (1987)
- New manufacturing and research and development businesses exempt for 3 years: SB 5297
- New taxes, only assessed for future, no assessments prior to date department begins official taxation: SB 5182, SSB 5182
- Nonprofit organizations, money received for camping, conferences, and recreational services is tax exempt: SB 6002, SSB 6002
- Pearl barley manufacturing tax lowered: \*HB 66, CH 139 (1987), SB 5169
- Refuse collection business clarified: HB 916, SB 5240
- Reporting and taxation system, unified system for business identification, reporting, and compliance: \*HB 148, CH 111 (1987), SB 5585

**TAXES - BUSINESS AND OCCUPATION TAX—cont.**

- Seed conditioning, exempting seed for out-of-state sales from tax: \*HB 67, CH 493 (1987), SB 5183
- Social welfare services: SB 5293
- Speculative builders, taxing labor rendered in constructing, repairing or improving the building: SB 5094, \*SSB 5094, CH 285 (1987)
- Storage business clarified: SHB 404, HB 916, HB 917, SB 5240
- Tourism, etc., public funds received by nonprofits is tax exempt: SB 5521
- Wholesalers, purchase from, revisions: SB 6066

**TAXES - CIGARETTES**

- Additional tax, revenue to be used for education on the harmful effects of tobacco: SB 5754
- Consolidating tax provisions: \*SB 5139, CH 80 (1987)
- Enforcement provisions expanded: \*HB 209, CH 496 (1987), SB 5243

**TAXES - CONVEYANCES**

- Collection procedures modified: SHB 208, SB 5242
- Exempting from real estate excise tax transfer to the secured party for relief from debt: SB 5400
- Real estate sales, excise tax, public works assistance account: SB 5276, \*SSB 5911, CH 472 (1987)
- Real property transfers, certain exempt: SB 5134
- Tax repealed: \*SSB 5911, CH 472 (1987)

**TAXES - CREDITS AND DEFERRALS**

- Disclosure of information authorized: \*SB 5138, CH 49 (1987)

**TAXES - DEFERRALS FOR MANUFACTURING ETC.**

- Aluminum production or casting, tax deferrals: \*2SHB 321, CH 497 (1987), SB 5223
- Aluminum, smelters or rolling mills, modernization projects: \*2SHB 321, CH 497 (1987)
- Eligibility modified, any person within this state: SB 5360
- Extended: SHB 404

**TAXES - EXCISE**

- Idaho residents working in bordering Washington counties to pay tax: SB 5956
- Low-income housing owned by public corporations is exempt from excise tax: \*HB 1137, CH 282 (1987)

**TAXES - GAMBLING**

- Pull-tab and punchboard tax increased: SB 5527

**TAXES - GENERAL**

- Common carriers who cross state lines, tax revisions requested: SJM 8012, SSJM 8012
- Fraternal benefit societies, discrimination precludes society from tax exemptions: \*HB 432, CH 366 (1987), SB 5411
- Hazardous substance tax: SB 6085, CH 2 E3 (1987)
- Increases via constitutional amendments need 3/5th vote in both houses: SJR 8216
- Indian tideland and river bed claims, DCD to study impact of claims on employment, investment, and tax revenues: SSB 5973
- New system created: SJR 8205
- Notice to withhold and deliver to be by certified mail: \*HB 203, CH 208 (1987), SB 5244

**TAXES - INCOME**

- Gross income reduced, state employees dependent care plan, salary reduction: \*SHB 844, CH 475 (1987)
- Idaho requested to exempt nonresident common carriers employees from income tax: SJM 8013, SSJM 8013
- Idaho, tuition and fee reciprocity contingent on Idaho's income tax treatment of Washington residents: SB 5821

**TAXES - INCOME—cont.**

- Limited income tax authorized, personal and corporate: SJR 8204
- New system created: SJR 8205
- Personal and corporate income tax imposed: SB 5023
- Temporary personal income tax: SB 5534

**TAXES - INSURANCE**

- Deductions for amounts invested in industrial development corporations: SB 5398, SSB 5398, 2SSB 5398

**TAXES - LIQUOR**

- Wine, additional tax for wine commission: 2SHB 569

**TAXES - MOTOR VEHICLE FUEL**

- Due dates, penalties for late payment: \*SHB 347, CH 174 (1987)
- Electronic fund transfer: \*SHB 347, CH 174 (1987)
- Revisions: SHB 1037
- Special fuel, exempt from taxation if part of a logging operation on federal land: \*HB 24, CH 294 (1987), SB 5932

**TAXES - MOTOR VEHICLES**

- Additional tax at registration: SB 5894
- Electronic fund transfer: \*SHB 347, CH 174 (1987)
- Levy of tax only for license period: SB 5107, \*SSB 5107, CH 235 (1987)
- Unlisted vehicles, fair market value determination: SB 5878
- Unpaid tax due to licensing in another jurisdiction, collection of tax, interest, and penalties: \*HB 947, CH 260 (1987)

**TAXES - PERSONAL PROPERTY**

- Kidney dialysis, outpatient facilities, tax exempt: \*SB 5009, CH 31 (1987)
- Levy threshold increased for city and county taxing districts: SB 5580
- Low-income housing owned by public corporations is exempt from excise tax: \*HB 1137, CH 282 (1987)
- Student loan guarantee agencies, tax exemption: \*HB 1090, CH 433 (1987)

**TAXES - PUBLIC UTILITIES**

- Deductions for amounts invested in industrial development corporations: SB 5398, SSB 5398, 2SSB 5398
- Deductions, Governor's request imposing a sales tax on services: SB 5360
- Electric energy for resale, tax required on sale: SB 6031
- Motor vehicle transportation companies, assessment authority to county assessors: \*HB 205, CH 153 (1987), SB 5239
- Services, major revisions of excise taxes: SHB 404
- Sewerage collection businesses clarified: \*HB 200, CH 207 (1987), SB 5235

**TAXES - REAL PROPERTY**

- Agricultural property, family farm credit crisis, revise schedule, waive penalties: SB 5686, SSB 5686
- Appeal of valuation, time period extended: SB 5128
- Christmas tree seedlings and plantation trees exempt from tax: \*HB 1, CH 23 (1987), SB 5098
- Churches tax exemption extended to leased property: SB 5387, SSB 5387
- Clarifying adjustments to the state levy: \*HB 197, CH 168 (1987)
- Conveyance tax collection procedures modified: SHB 208, SB 5242
- Current use valuation for low-income housing: SJR 8210
- Dances, music, etc., leased or rented property qualifies for exemption: \*HB 1087, CH 468 (1987)
- Dances, music, etc., property tax exemption modified: SB 5345, SSB 5345
- Delinquency, certificates, issuance restricted: SB 5127
- Disabled veterans included in senior citizen tax exemption: SB 5651
- Disaster areas: \*HB 772, CH 319 (1987)
- Districts, taxing base, retain under specified conditions: SB 5675

**TAXES - REAL PROPERTY—cont.**

- Farm and agricultural land definition modified to include appurtenances: SB 5175
- Farmers, property tax deferral: SB 5184
- Firefighters, city pension fund levy limitation for certain annexations: \*HB 772, CH 319 (1987)
- Irrigation systems, classified as real or personal: \*HB 772, CH 319 (1987)
- Junior taxing districts, order of reduction as necessary to meet statutory levy limitations: \*HB 1185, CH 255 (1987)
- Kidney dialysis, outpatient facilities, tax exempt: \*SB 5009, CH 31 (1987)
- Levy threshold increased for city and county taxing districts: SB 5580
- Low-income housing, current use valuation: SJR 8210
- Low-income housing, lower property tax on buildings used for low-income housing: SB 5321
- Low-income housing owned by public corporations is exempt from excise tax: \*HB 1137, CH 282 (1987)
- Mobile homes, collection of taxes, clarification: \*HB 44, CH 155 (1987)
- Natural resources conservation areas, real estate excise tax to fund purchase: \*SSB 5911, CH 472 (1987)
- New construction, placement on assessment rolls within 12 instead of 6 months: \*HB 671, CH 134 (1987)
- Payments made by check are to be made out to county treasurer: \*SB 5008, CH 211 (1987)
- Platting, certain public agency transfer: SB 5414
- Real estate excise tax, exempting transfers to a secured party for relief from debt: SB 5400
- Real estate excise tax proceeds to conservation area account and public works assistance account: \*SSB 5911, CH 472 (1987)
- Refunds, interest calculation revised: \*HB 772, CH 319 (1987)
- Revaluation every 2 years, department of revenue may approve such a plan: \*HB 772, CH 319 (1987)
- Sales of real estate, excise tax, public works assistance account: SB 5276, \*SB 5911, CH 472 (1987)
- School levies, major revisions: \*2SHB 455, CH 2 E1 (1987), SB 5477, SSB 5477
- Schools, additional tax authorized: \*SHB 1197, CH 413 (1987)
- Schools, additional tax for school construction: \*HJR 4220 (1987)
- Senior citizen tax exemption includes disabled veterans: SB 5651
- Senior citizens and disabled persons, threshold levels for exemptions revised: \*SHB 695, CH 301 (1987)
- Senior citizens, exemption limit raised: SB 5084
- Senior citizens, taxes and special assessment, alternate deferral program: SB 5041
- Sewer or water districts formation or reorganization petitions to specify the proposed assessment, assessment limited: \*SB 5019, CH 33 (1987)
- Student loan guarantee agencies, tax exemption: \*HB 1090, CH 433 (1987)
- Valuation dispute, subject to appeal, extension and collection of taxes modified: \*HB 96, CH 156 (1987)
- Valuation procedures revised, true and fair value: SB 5109

**TAXES - SALES**

- Airplanes brought in by residents of other states are use tax exempt: SB 5498
- Boats brought in by residents of other states are use tax exempt: SB 5498
- Clothing donated to low-income persons, sales tax exempt: SB 5355
- Collection of unremitted excise taxes, personal liability: \*SHB 198, CH 245 (1987)
- Criminal justice account created, funded through a retail sales and use tax, money used for local government: SB 5101
- Diesel fuel used in commercial fishing vessel is exempt from sales and use tax: \*HB 628, CH 494 (1987), SB 5819
- Donations of personal property to schools and colleges for direct instructional purposes, tax exemption: SSB 5476

**TAXES - SALES—cont.**

- Ferry fuel is sales and use tax exempt: SB 5431, SB 6032
- Ferry fuel used by local governments is sales and use tax exempt: SB 5493
- Food stamp purchases, tax exemption extended to food stamp eligible foods:
  - \*HB 282, CH 28 (1987), SB 5267
- Graffiti removal: SB 5145
- Mobile homes, collection of sales tax by dealers and agents: SB 5858, \*SSB 5858, CH 89 (1987)
- Motorcycles brought in by residents of other states are use tax exempt: SB 5498
- Nonprofit organizations, money received for camping, conferences, and recreational services is tax exempt: SB 6002, SSB 6002
- Personal property which is provided with an operator for charge, sales tax modified: SB 5241
- Postage stamps exempt: SB 5100, SB 5167
- Real estate excise tax, exempting transfers to a secured party for relief from debt: SB 5400
- Refunds to low-income households: SB 5709
- Schools, capital projects, sales tax exempt: SB 5715
- Services, major revision of excise taxes: SHB 404
- Services taxed, B & O and utility tax deductions provided and the sales tax rate reduced, Governor's request: SB 5360
- Services, to fund access to health care: SB 5357
- Tangible personal property, in and outside of the state, clarifying the taxation:
  - \*HB 204, CH 27 (1987), SB 5238
- Trust fund accountability provided for: SB 5266, SSB 5266

**TAXES - TIMBER**

- Administrative modifications, no tax due if amount owed is under \$50: \*HB 199, CH 166 (1987), SB 5234
- Delinquent taxes, sale of state timber to persons delinquent prohibited: SB 5236

**TAXES - TRANSFER TAX**

- Gift or death tax: SB 5188

**TAXES - WATERCRAFT EXCISE TAX**

- Marine patrol services, distribution of tax locally: SHB 46

**TAYLOR, KIMBERLY**

- Daisy girl scout introduced ..... p. 590

**TEACHERS**

- Award for excellence in teacher preparation program: SB 5246
- Beginning teachers' assistance program continued: HB 485, SB 5622, \*SSB 5622, CH 507 (1987)
- Career ladder pilot project, salary and compensation, grants from SPI, select committee on career ladders created: SB 5726
- Certification, discuss other states' methods, reciprocity: \*SB 5433, CH 40 (1987)
- Certification process redone: SB 5479, \*SSB 5479, CH 525 (1987), SB 5630
- Endorsement for specialization, grade levels and subject areas: HB 485, \*SSB 5479, CH 525 (1987), SB 5622
- Future teachers' conditional scholarship program: \*SHB 857, CH 437 (1987)
- Health care coverage for retired teachers: SB 5698
- In-service training and continuing education, college credits on the salary schedule: SB 5274, \*SSB 5274, CH 519 (1987)
- Loan program for prospective teachers and teachers getting more endorsements: SB 5937
- Masters degree: SB 5479, \*SSB 5479, CH 525 (1987), SB 5630
- Mentor teacher pilot program, renamed master teacher pilot program, extended: SB 5727
- Mentor teachers: HB 485, SB 5622, \*SSB 5622, CH 507 (1987)
- Mentor teachers and principals as part of teacher preparation program: SB 5479
- Parents as first teachers program: 2SHB 456, SB 5316, SSB 5476

**TEACHERS—cont.**

- Pilot program to enhance student teaching: SB 5152  
 Private school teachers, certification modified: SB 5220  
 Professional teacher preparation degree program: SB 5479, \*SSB 5479, CH 525 (1987), SB 5630  
 Program approval standards, review program: \*SB 5247, CH 39 (1987)  
 Provisional period of two years established: SB 5930  
 Recruitment of teachers from under represented groups, SPI pilot program, grants: SB 5631  
 Retirement, allowance adjustments revised: SB 5508  
 Retirement benefits for part-time teachers, revised: \*SHB 1128, CH 265 (1987)  
 Retirement benefits increased for those not receiving social security: SHB 1070  
 Retirement, cost-of-living adjustments: \*SB 5380, CH 455 (1987)  
 Retirement, military service and out-of-state teaching service usable: SB 5226  
 Retirement service allowance, adjustment reflecting excess growth, provision modified: SB 5509  
 Sabbatical grant program for teachers, SPI to establish a program: SB 5532  
 Salaries, appropriation modified: HB 1264, CH 1 E3 (1987)  
 Self-confidence of students stressed to realize academic innate potential: SSB 5313  
 Self-esteem environment: SB 5313  
 Student teacher ratio increased incrementally over a few years: SB 5624  
 Teacher assistance program for mentor teachers, beginning teachers, and experienced teachers: \*SSB 5622, CH 507 (1987)  
 Teacher preparation, exit examination from college required: HB 485, \*SSB 5479, CH 525 (1987), SB 5622  
 Teacher preparation, tests to determine competency before admittance to professional program: HB 485, \*SSB 5479, CH 525 (1987), SB 5622  
 Training requirements, teacher's aide experience counts for credits: \*SHB 982, CH 464 (1987)  
 Twenty-first century pilot program: SB 5479, \*SSB 5479, CH 525 (1987)  
 Vocational education, student teacher ratio revised: SB 5263

**TECHNOLOGY**

- Information services department created: \*2SSB 5555, CH 504 (1987)  
 Information technology department created: SB 5555, SSB 5555  
 Technology demonstration skills center, operating budget: \*SHB 1221, CH 7 E1 (1987)  
 Vocational technology center, public nonprofit corporation to be formed by Governor: \*SB 5996, CH 492 (1987)

**TEENAGE SUICIDES**

- Study authorized: SHB 873

**TELECOMMUNICATIONS**

- Educational telecommunications network: SB 5977, \*SSB 5977, CH 279 (1987)  
 Hearing impaired access: \*2SHB 221, CH 304 (1987)  
 Joint select committee on telecommunications extended: \*HCR 4401 (1987)  
 Mandatory local measure telephone service, revisions: SHB 458, \*SB 5097, CH 229 (1987)  
 Mandatory local measure telephone service, what type of tariff may be approved: \*SHB 458, CH 333 (1987)  
 Measured service, modifying the prohibition: SB 5077  
 Rural development studies, DCD, heavy telecommunications emphasis: \*SHB 373, CH 293 (1987)

**TELEPHONE SOLICITATION**

- Repeated violations are necessary for an injunction and damages: \*SB 5097, CH 229 (1987)

**TELEPHONES**

- County taxation of telephone access services, revisions: SB 5946

**TELEPHONES—cont.**

- Drugs, wire-tapping, one-party consent law changed: SB 5070, SSB 5070, SB 5362
- Hearing impaired access: \*2SHB 221, CH 304 (1987)
- Lifeline telephone service: \*SB 5097, CH 229 (1987)
- Mandatory local measure telephone service, revisions: SHB 458, \*SB 5097, CH 229 (1987)
- Mandatory local measure telephone service, what type of tariff may be approved: \*SHB 458, CH 333 (1987)
- Measured service, modifying the prohibition: SB 5077
- Repairman time of arrival must be specified: SB 5485

**TELEVISION**

- Public broadcasting funding: SB 5285, \*SSB 5285, CH 308 (1987)

**TEMPLE OF JUSTICE**

- Capital budget: \*SHB 327, CH 6 E1 (1987)

**TERREY, DR. JOHN**

- Retired executive director state board for community college education and Mrs. Terrey introduced and addressed Senate  
SFR 1987-8648 ..... p. 1516

**TEUTSCH, DELORES E.**

- Reappointed member, higher education facilities  
authority, GA 9121 ..... p. 1697

**THE EVERGREEN STATE COLLEGE**

- Kay M. Boyd, trustee, GA 9076, confirmed ..... pp. 39, 951, 2093
- Capital budget: \*SHB 327, CH 6 E1 (1987)
- Hydroelectric study by TESC to assess state responsibility: SB 6036, SSB 6036
- Labor center, operating budget: \*SHB 1221, CH 7 E1 (1987)
- Operating budget: \*SHB 1221, CH 7 E1 (1987)
- Summer seminars to improve the quality of teaching in high schools and community colleges, operating budget: \*SHB 1221, CH 7 E1 (1987)
- Washington state center for the improvement of the quality of undergraduate education, operating budget: \*SHB 1221, CH 7 E1 (1987)

**THEFT**

- Services, theft of service, attorney fees, costs, etc.: \*SHB 601, CH 353 (1987)

**THOMAS, BILLY JOE**

- Cub scout introduced and addressed senate and presented president with plaque SFR 1987-8622 ..... p. 525
- SFR 1987-8657 ..... p. 2249

**THOMAS, MR. AND MRS. RAYMOND**

- Parents of Billy Joe, introduced ..... p. 525

**THOMPSON, JUDGE DONALD H.**

- Member, sentencing guidelines commission,  
GA 9046, confirmed ..... pp. 33, 381, 565

**THURSTON COUNTY**

- Animal traps prohibited in low elevation areas of Pierce, King, and Thurston counties: SB 5543

**TIDELANDS**

- Everett home port, land conveyance: SB 5604, \*SSB 5604, CH 271 (1987)
- Indian land claims, right of action against state: SB 5974
- Indian shellfish claims, mediation process: SB 5158, SSB 5158
- Indian tideland and river bed claims, DCD to study impact of claims on employment, investment, and tax revenues: SSB 5973
- Indian tideland and river bed claims, reinsurance of titles: SB 5973, SSB 5973
- Operating budget for Puyallup Indian claims: \*SHB 1221, CH 7 E1 (1987)

**TILTON RIVER**

Coho run: \*SHB 1221, CH 7 E1 (1987)

**TIMBER**

Administrative modifications, no tax due if amount owed is under \$50: \*HB 199, CH 166 (1987), SB 5234

Damaged state timber, expedited sale process: \*HB 1027, CH 126 (1987)

Sustainable harvest, determinations modified: \*SHB 55, CH 159 (1987), SB 5563

**TIMBER TAX DISTRIBUTION ACCOUNT**

Operating budget: \*SHB 1221, CH 7 E1 (1987)

**TIME**

Daylight savings time, conforming the state statute to the federal statute: SB 6071

**TIMESHARES**

Regulated: \*SHB 790, CH 370 (1987)

**TIPS**

Tips are wages only for income tax purposes: SB 5409

**TIRES**

Full size spare tires required: SB 6026

**TITLE INSURANCE**

Indian tideland and river bed claims, reinsurance of titles: SB 5973, SSB 5973

**TOBACCO**

Chewing tobacco and snuff, purchase by minors is a misdemeanor: SHB 76, SB 5092

Chewing tobacco, sale to person under 18 illegal, warning at point of sale: SHB 76

Cigarette wholesalers and retailers, revisions: SB 5609

Purchase by a minor, civil fine: SHB 76

Retailers' license required, revokable for sale to minors: SHB 76, SB 5092

Smokeless tobacco banned on school grounds: SB 5754

Tax, additional tax, revenue to be used for education on the harmful effects of tobacco: SB 5754

**TOP SOIL**

Surface mining: \*SHB 56, CH 258 (1987)

**TORTS**

Attorney fees, revisions, determination of reasonableness: SB 6048, \*SSB 6048, CH 212 (1987)

Emergency medical care, first responders: SB 5262, \*SSB 6048, CH 212 (1987)

Government officials are not liable for discretionary decisions: SB 5262

Mental health, immunity for release by public institution: SB 5262, \*SSB 6048, CH 212 (1987)

National guard, immunity for acts done while training or during duty: SB 5262

Sports, nonprofit sports program, immunity for services without compensation: SB 5262

Workers, third-party contractors: SB 5262, \*SSB 6048, CH 212 (1987)

**TOURISM**

Distressed areas, tax not to exceed 5%, tourism: SB 6056

Funds received by nonprofits for conventions, etc., are exempt from B & O tax: SB 5521

Mental sports competition and research advisory committee: \*2SHB 456, CH 518 (1987)

Wine commission: \*2SHB 569, CH 452 (1987)

**TOUTLE RIVER**

Fish collection facility at the sediment retention site: \*2SHB 758, CH 506 (1987), SB 5338, SSB 5338



**TOUTLE RIVER—cont.**

Operating budget: \*SHB 1221, CH 7 E1 (1987)

**TOW TRUCKS**

Impoundment, damages and costs awards for invalid vehicle impoundment: HB 883

Impoundment, etc., procedures revised: SB 5124, \*SSB 5124, CH 311 (1987)

**TOYS**

Unclaimed toys may be donated by law enforcement to charity: \*SHB 669, CH 182 (1987)

**TRACER/INCENDIARY AMMUNITION**

Prohibiting the sale, possession, or transportation: SB 5187

**TRADE AND ECONOMIC DEVELOPMENT, DEPARTMENT OF**

Business and job retention program: SB 6050

Business assistance center, reporting system, operating budget: \*SHB 1221, CH 7 E1 (1987)

Capital budget: \*SHB 327, CH 6 E1 (1987)

Capital projects office established within DTED to assist businesses in international competition: SB 5832

Foreign trade, state trade fair fund, 1 million dollars may be spent each fiscal biennium: HB 744

Industrial development corporations, DTED may contract with 5 for management assistance: SSB 5398, 2SSB 5398

Industrial development corporations, DTED to assist: SSB 5398, 2SSB 5398

Industrial development corporations, renamed business and industrial development corporations: 2SSB 5398

Industrial incentive zone board: SB 5743

International trade, state guidelines established: HB 1162

Market trends and investment analysis, operating budget: \*SHB 1221, CH 7 E1 (1987)

Obsolete statutory references corrected: \*SB 5469, CH 195 (1987)

Operating budget: \*SHB 1221, CH 7 E1 (1987)

Small business export finance assistance center, outreach program, operating budget: \*SHB 1221, CH 7 E1 (1987)

Small business, improving regulatory fairness: SB 5831

Small business, state policy guideline for promotion and assistance: HB 1153

Supercollider, proposal for locating in Washington, operating budget: \*SHB 1221, CH 7 E1 (1987)

Transportation benefit board created to enhance cooperation between public and private sectors: SB 5731

Tri-cities, diversify economy: \*SHB 1132, CH 501 (1987)

**TRAFFIC OFFENSES**

Failure to comply with laws, gross misdemeanor: SB 5061, \*SSB 5061, CH 345 (1987)

**TRAFFIC SAFETY COMMISSION**

Drinking and driving problem, TSC to develop a state-wide program: SB 5843

Transportation budget: \*SSB 6076, CH 10 E1 (1987)

**TRANSPORTATION BENEFIT BOARD**

Created to enhance cooperation between public and private sectors: SB 5731

**TRANSPORTATION BENEFIT DISTRICTS**

Counties and cities may establish: \*HB 396, CH 327 (1987), SB 5734

**TRANSPORTATION BUDGET**

Adopted: SHB 427, \*SSB 6076, CH 10 E1 (1987)

Aeronautics: \*SSB 6076, CH 10 E1 (1987)

Capital facilities needs study by WSDOT and LTC: \*SSB 6076, CH 10 E1 (1987)

**TRANSPORTATION BUDGET—cont.**

- Economic importance of attracting new development, may consider unique factors in determining priorities: \*SSB 6076, CH 10 E1 (197)
- Improvements necessitated by planned economic development: \*SSB 6076, CH 10 E1 (1987)
- Minority workers, on-the-job training programs: \*SSB 6076, CH 10 E1 (1987)
- Noise abatement: \*SSB 6076, CH 10 E1 (1987)
- Portage bay bridge widening, category A funds not available: \*SSB 6076, CH 10 E1 (1987)
- Recreational vehicle sanitary disposal systems: \*SSB 6076, CH 10 E1 (1987)
- Scotch broom banned, eradication program participation: \*SSB 6076, CH 10 E1 (1987)
- Search and rescue: \*SSB 6076, CH 10 E1 (1987)
- Seasonal cash shortfalls, DOT may require interfund loans: \*SSB 6076, CH 10 E1 (1987)
- Snow and ice control study by WSDOT and LTC: \*SSB 6076, CH 10 E1 (1987)
- Supplemental transportation budget: SB 5456, \*SSB 5456, CH 270 (1987)

**TRANSPORTATION COMMISSION**

- James T. Henning, member, GA 9148 . . . . . p. 2706
- William Kamps, member, GA 9040, confirmed . . . . . pp. 32, 932, 2411
- Albert J. Rosellini, member, GA 9009, confirmed . . . . . pp. 26, 2042, 2211

**TRANSPORTATION, DEPARTMENT OF**

- Agricultural products, highway advertising controls revised: SB 5123, \*SSB 5123, CH 469 (1987)
- Aircraft registration and excise tax collection responsibility to WSDOT from DOL: \*HB 403, CH 220 (1987)
- Approach roads on state rights of way, construction permit standards revised: \*SB 5735, CH 227 (1987)
- Appropriation to alleviate negative impact of no federal funding: SSB 6020
- Budget adopted: SHB 427, \*SSB 6076, CH 10 E1 (1987)
- Budget, supplemental budget: SB 5456, \*SSB 5456, CH 270 (1987)
- Capital budget: \*SHB 327, CH 6 E1 (1987)
- Commission made advisory in department reorganization: SB 5028
- Commission may retain consultants, planners and other technical staff: \*HB 338, CH 364 (1987)
- Consultants, planners, and other technical staff may be retained by commission: \*HB 338, CH 364 (1987)
- Diamond lanes, restrictions limited, unrestricted use on weekends, holidays, and nonpeak hours: SB 6025
- Ferry system funding from ferry revenues and motor vehicle funds: HB 308
- Freeland area, scenic highway designation removed: SB 5209
- Future, transportation in the future symposium sponsored: HCR 4411
- Highway advertising controls, on-premise restriction and height requirement revised: \*SSB 5123, CH 469 (1987)
- Improvement projects, DOT may participate with real estate owners in financing: \*HB 395, CH 261 (1987), SB 5733
- Improvement projects, rights of way donations encouraged: \*SB 5732, CH 267 (1987)
- Improvements to maintain and attract industry and in response to growth: \*SHB 743, CH 422 (1987)
- Limited access facilities, requirements altered: \*SB 5416, CH 200 (1987)
- Maple street toll bridge, removal by 6/1/89, WSDOT to develop plan: SB 5095
- Maple street toll bridge, removal by 6/1/90, WSDOT to develop plan: SB 5091
- Maple street toll bridge, removing tolls, bridge to be owned by state: SHB 859
- Model traffic ordinance updated: \*SB 5034, CH 30 (1987)
- Ocean beach management, temporary plans authorized: SB 6057
- Priority programming modified, category h: \*HB 352, CH 179 (1987)
- Reorganizing the department, commission made advisory: SB 5028

**TRANSPORTATION, DEPARTMENT OF—cont.**

- Rights of way donations to government encouraged for transportation improvements: \*SB 5732, CH 267 (1987)
- Rights of way, vesting of certain in city or town: \*SB 5415, CH 68 (1987)
- Scenic highway system, Freeland area removed: SB 5209
- Secretary appointed by the Governor instead of the commission: SB 5028
- Speed limit, if 55 MPH limit is repealed, WSDOT authority to set limit is terminated regarding conservation: SB 5481
- SR 161 designated as the enchanted parkway: \*SB 5666, CH 520 (1987)
- State routes updated: \*SB 5413, CH 199 (1987)
- Transportation benefit board created to enhance cooperation between public and private sectors: SB 5731

**TRAPS**

- Placement on private property regulated: \*SHB 542, CH 372 (1987)
- Prohibited in low elevation areas of Pierce, King, and Thurston counties: SB 5543
- Prohibited on private property without written permission: SB 5938

**TRESPASS**

- Criminal trespass to property defined: SB 5494

**TREVARTHEN, MARJORIE**

- Trustee, state school for the deaf, GA 9175 ..... p. 2711

**TRIBUTYLTIN**

- Paints, antifouling paint with TBT at certain concentrations is banned: \*SSB 5978, CH 334 (1987)
- Paints, tributyltin prohibited: SB 5978

**TRI-CITIES**

- Diversify economy: \*SHB 1132, CH 501 (1987)

**TRICYCLES**

- Unclaimed trikes may be donated by law enforcement to charity: \*SHB 669, CH 182 (1987)

**TRIMBLE, ROBERT E.**

- Member, indeterminate sentencing review board,  
GA 9107, confirmed ..... pp. 514, 2068, 2445

**TROPHY HUNTING**

- Trophy hunting of post-mature males from special herds: \*2SHB 758, CH 506 (1987)

**TRUANCY**

- Educational ministries, exempting parents of children: SB 5208

**TRUCKING**

- Motor freight carriers, regulating: SB 5284, SB 5998
- Trucking regulations, reduce duplication: \*SCR 8408 (1987)

**TRUCKS**

- Heavy trucks, ID required: SB 5877

**TRULOVE, WILLIAM T.**

- Member, pacific northwest electric power and conservation  
planing council, GA 9022, confirmed ..... pp. 29, 970, 2231

**TRUST COMPANIES**

- Acquisition is to be with the approval of the supervisor of banking, process: SB 5823
- Check cashing required of checks presented by pensioners and retirees: SB 5737

**TRUSTS**

- Personal representative's filing of receipts, retention period modified: \*SHB 217, CH 363 (1987), SB 5279, SSB 5279
- Premarital agreement act: SB 5033

**TULL, ROBERT**

Member, state gambling commission,

GA 9010, confirmed ..... pp. 26, 858, 974

**TWIN FALLS TRUST PROPERTY**

DNR lands, certain transferred to the parks and recreation commission: SHB 550

**UELTSCHI, PEGGY**

Alternate dairy princess introduced ..... p. 252

**UNCLAIMED PROPERTY**

Disposition of unclaimed personal property modified: SB 5667

**UNDERGROUND PETROLEUM STORAGE**

Delivery trucks to have meters and supply receipts: SB 5565, \*SSB 5565, CH 42 (1987)

**UNDERGROUND STORAGE**

Regulated: SB 5942

**UNDERWATER NAVAL WARFARE MUSEUM**

Capital budget: \*SHB 327, CH 6 E1 (1987)

**UNEMPLOYMENT**

Local reemployment centers: SB 5441, SSB 5441, 2SSB 5441

Local reemployment centers, operating budget: \*SHB 1221, CH 7 E1 (1987)

Services for the unemployed, funding: \*SHB 656, CH 171 (1987), SB 5619

**UNEMPLOYMENT COMPENSATION**

Agriculture labor covered: SB 5616

Agriculture labor, threshold revised: SB 5440

Appeal time extended: \*SB 5410, CH 61 (1987)

Backpay, benefit impact: SHB 653, SB 5617

Base years, benefit years, modifications: SB 5232, \*SSB 5232, CH 278 (1987)

Benefit year, requirements for establishment altered: SB 5392, \*SSB 5392, CH 256 (1987)

Benefits, additional 13 week period: SB 5851

Bilingual employment services: SB 6035

Contribution rate tax schedule modified: \*SHB 656, CH 171 (1987), SB 5619

Contributory fault, wilful disregard of safety by employer: SB 5491

Employer immunity, third-party defendants, wilful disregard of safety: SB 5491

Experience rating, employee contributions: \*HB 654, CH 213 (1987), SB 5618

Health care access act of 1987: \*2SHB 477, CH 5 E1 (1987), SB 5357

Lockouts, benefits authorized, conditions: SB 5657

Lockouts, unemployment compensation authorized for certain lockouts: SB 5059, SSB 5059

Lockouts, unemployment compensation for certain workers, nondisqualifying lockout: \*SHB 445, CH 2 (1987)

Multiple employers, provisions revised: SB 5436, SSB 5436

Overpayments, procedures and penalties modified: SHB 653, SB 5617

Predecessor-successor employer contribution rates, change of ownership: SB 5294

Reporting and taxation system, unified system for business identification, reporting, and compliance: \*HB 148, CH 111 (1987), SB 5585

Start own business, assistance to be given: SB 6004

**UNIFIED BUSINESS IDENTIFICATION**

Authority: \*HB 148, CH 111 (1987)

Governor's operating budget: \*SHB 1221, CH 7 E1 (1987)

**UNIFORM COMMERCIAL CODE**

Fees revised: \*SB 5194, CH 189 (1987)

Organ transplants, no implied warranty: SB 5830, \*SSB 5830, CH 84 (1987)

**UNIFORM DISCIPLINARY ACT**

Revised: SB 5162

Revisions made concerning jurisdiction etc., the UDA governs unlicensed practice: \*SHB 563, CH 150 (1987)

**UNIFORM LAWS**

Condominium act: SB 5884

Criminal history records act, adopting: SB 5681

Fraudulent transfer act: \*HB 94, CH 444 (1987)

Model traffic ordinance updated: \*SB 5034, CH 30 (1987)

Premarital agreement act: SB 5033

**UNIFORM LEGISLATION COMMISSION**

Operating budget: \*SHB 1221, CH 7 E1 (1987)

**UNION STATION**

Capital budget: \*SHB 327, CH 6 E1 (1987)

**UNITED STATES REPRESENTATIVE**

Honorable Norm Dicks introduced and addressed senate . . . . . p. 309

**UNITED STATES SENATOR**

Honorable Dan Evans introduced and addressed senate . . . . . p. 309

**UNIVERSITY OF WASHINGTON**

H. Jon Runstad, member, board of regents, GA 9156 . . . . . p. 2707

W. Hunter Simpson, reappointed member, board of regents,  
GA 9158 . . . . . p. 2708

Capital budget: \*SHB 327, CH 6 E1 (1987)

Child day care, operating budget: \*SHB 1221, CH 7 E1 (1987)

Day care for employees: SB 5682, SSB 5682

Fire history of Washington state, history of slash burning, DOE, UW, DNR, and  
energy office: SSB 5853

Highly capable students, early college entrance at UW: \*2SHB 456, CH 518 (1987)

Mediation, committee for mediation created, natural resource disputes: SHB 12

Metropolitan tract, revenue bonds, capital projects: SB 5437

Natural resource disputes, committee for mediation created: SHB 12

Oil and mineral exploration off the coast, study, operating budget: \*SHB 1221, CH  
7 E1 (1987)

Operating budget: \*SHB 1221, CH 7 E1 (1987)

Physicians, limited license to practice to visiting teachers, researchers, or fellow-  
ship holders: \*HB 699, CH 129 (1987)

Printers authorized to do collective bargaining: \*HB 220, CH 484 (1987)

Revenue bonds, capital projects: SB 5437

Video display terminals, study by the UW on health and safety hazards, operat-  
ing budget: \*SHB 1221, CH 7 E1 (1987)**UNJUST DISCHARGE**

Arbitration procedures for private sector employees: SB 5965

**UNLAWFUL HARASSMENT**

Protection provided: SB 5142, \*SSB 5142, CH 280 (1987)

**URANIUM/THORIUM MILLS**

Regarding collection of charges: \*HB 843, CH 184 (1987)

**URBAN ARTERIAL BOARD**

Renamed transportation improvement board: SHB 1037

Transportation budget: \*SSB 6076, CH 10 E1 (1987)

Urban arterial trust fund, apportionment provisions revised: \*HB 748, CH 360  
(1987)**UTILITIES**Budgets, WUTC objection period extended for review of public service company  
budgets: \*SB 5069, CH 38 (1987)

**UTILITIES—cont.**

- Combined utility systems authorized: \*SHB 9, CH 18 (1987)
- Confidentiality of information filed with UTC: SB 5679, \*SSB 5679, CH 107 (1987)
- Double amendment to RCW 35.92.070 corrected: \*HB 545, CH 145 (1987)
- Electric energy for resale, tax required for sale: SB 6031
- Energy facility site evaluation, construction includes suspension of construction: SB 5213, SSB 5213
- Landlord tenant situations, liens against landlords prohibited: SB 5966
- Privacy of utility information, marketing of customer information regulated: SHB 244, SSB 5143
- Public utility and transportation corridors, repealing authority: SB 5147
- Public utility billing errors, customer liability limited: SB 5037, SSB 5572
- Rate setting and valuation of utilities, commission limited: SB 5215
- Repairman time of arrival must be specified: SB 5485
- Securities, issuance of securities by public service companies: \*SB 5668, CH 106 (1987)
- Termination of utility service, revisions: \*HB 992, CH 356 (1987)
- Utility intervention program, public advocacy: SB 5214

**UTILITIES AND TRANSPORTATION COMMISSION**

- A. J. "Bud" Pardini, member, GA 9164 ..... p. 2709
- Budgets, WUTC objection period extended for review of public service company budgets: \*SB 5069, CH 38 (1987)
- Confidentiality of information filed with UTC: SB 5679, \*SSB 5679, CH 107 (1987)
- Energy facility site evaluation, construction includes suspension of construction: SB 5213, SSB 5213
- Mandatory local measure telephone service, revisions: SHB 458, \*SB 5097, CH 229 (1987)
- Mandatory local measure telephone service, what type of tariff may be approved: \*SHB 458, CH 333 (1987)
- Motor freight carrier brokers regulated: SB 5844
- Motor freight carriers, regulating: SB 5284, SB 5998
- Operating budget: \*SHB 1221, CH 7 E1 (1987)
- Passenger charter carriers, revisions, certificate required: SB 5451
- Permits, may take action on after notice and hearing: \*HB 250, CH 209 (1987), SB 5283
- Rate setting and valuation of utilities, commission limited: SB 5215
- Rural development studies, DCD, telecommunications emphasis, UTC to study party/private lines: \*SHB 373, CH 293 (1987)
- Solid waste management, compliance with local plans required of businesses regulated by WUTC: \*SHB 238, CH 239 (1987)
- Telecommunications infrastructure, study: \*SHB 373, CH 293 (1987)
- Telephones, measured service, modifying the prohibition: SB 5077
- Utility intervention program, public advocacy: SB 5214

**UTILITY LOCAL IMPROVEMENT DISTRICTS**

- Creation, public hearing: \*HB 86, CH 315 (1987)
- Forced signing of petitions prohibited: SB 5307
- Improvements limited to 200% of the amount originally proposed at the time the district was created: SB 5520, \*SSB 5520, CH 340 (1987)
- Sewer or water facilities, finance, notice modified: \*HB 86, CH 315 (1987)

**VAGRANCY**

- Disorderly conduct, begging or soliciting: SB 5596, SSB 5596
- Penalties, soliciting: SB 5596, SSB 5596

**VANDERKOLK, BARBARA**

- Reappointed member, state board of pharmacy, GA 9021 ..... p. 28

**VANPOOLS**

- Revisions: \*HB 559, CH 175 (1987)

**VDTS**

- Study by UW on health and safety hazards of video display terminals, operating budget: \*SHB 1221, CH 7 E1 (1987)  
Work conditions, L & I to regulate: SB 5486, SSB 5486

**VERNIER, HARVEY**

- Trustee, Central Washington University, GA 9140 ..... p. 2704

**VETERANS**

- Advisory committee membership increased: \*SB 5403, CH 59 (1987)  
Assault of institutional care employees, reimbursement: SB 5288, \*SSB 5288, CH 102 (1987)  
Capital budget: \*SHB 327, CH 6 E1 (1987)  
Definition of veteran revised: SB 5289, SSB 5289  
Definition of veteran revised for preference purposes, military retirement pay threshold increased: SSB 5292  
Disabled veterans included in senior citizen tax exemption: SB 5651  
Hunting and fishing licenses free for disabled veterans: SB 5653  
Institutions may enter into purchasing contracts for health care programs: \*SB 5161, CH 70 (1987), SB 5499  
License plates to spouses of deceased POWs: SB 5047, \*SSB 5047, CH 98 (1987)  
Operating budget: \*SHB 1221, CH 7 E1 (1987)  
Retired veterans, employment preference modified: SB 5292, SSB 5292  
Walla Walla medical center, remain as a full service center: \*SJM 8017 (1987)

**VETERANS AFFAIRS, DEPARTMENT OF**

- John Reynolds, director, GA 9117 ..... p. 1309

**VETERINARIANS**

- Livestock liens, possession of livestock until lien expires, 60 days: \*SB 5976, CH 233 (1987)  
Veterinary biologics, sale, distribution, and use regulated: \*HB 374, CH 163 (1987)

**VICE PRESIDENT PRO TEMPORE (See Also AL BAUER)**

- Al Bauer, nominated and elected ..... p. 4

**VICTIMS/WITNESSES OF CRIMES**

- Benefit thresholds: \*SB 5172, CH 281 (1987), SB 5634, SSB 5634  
Child sexual abuse account, revenue from tax on adult entertainment: SB 5703  
Counseling included in restitution: \*SB 5172, CH 281 (1987)  
Funding modified: \*SB 5172, CH 281 (1987)  
Motor vehicle victims, compensation revisions, conviction not necessary: \*SB 5172, CH 281 (1987), SB 5634, SSB 5634  
Trial time, place, etc., notice to be given by prosecuting attorney to victims or survivors: SB 6068

**VIDEO**

- State-wide video telecommunications network, study, operating budget: \*SHB 1221, CH 7 E1 (1987)

**VIDEO DISPLAY TERMINALS**

- Study by UW on health and safety hazards of video display terminals, operating budget: \*SHB 1221, CH 7 E1 (1987)  
Work conditions, L & I to regulate: SB 5486, SSB 5486

**VIRANT, RICHARD A.**

- Member, tax appeals board, GA 9050 ..... p. 34  
Reappointed member, tax appeals board, GA 9108 ..... p. 539

**VISITATION**

- Custodial interference, defense: SSB 5088  
Custodial interference statute, court conferred visitation rights protected: SB 5088, SSB 5088  
Withhold child support if court-ordered visitation not given: SB 5087

**VITAL RECORDS**

Fees modified, state registrar duty revisions: \*SHB 258, CH 223 (1987), SB 5340, SSB 5340

Vital statistics advisory committee created: SHB 834

**VOCATIONAL EDUCATION**

Business and job retention program, commission to assist DTED: SB 6050

Curriculum, model curriculum guidelines for vocational or applied courses: \*SB 5248, CH 197 (1987)

Education consolidation act of 1987, K-12 and community colleges: SB 5839

Educational services office created, vocational education advisory board established: SHB 451, SB 5468

Industrial arts service areas within SPI: SB 5615

Model vocational programs, demonstrations, operating budget: \*SHB 1221, CH 7 E1 (1987)

Operating budget, money to carry out functions of commission: \*SHB 1221, CH 7 E1 (1987)

Private schools, tuition recovery fund: SB 5880, \*SSB 5880, CH 459 (1987)

Reconstituting and changing the commission: SB 5569

Student teacher ratio revised: SB 5263

Transition period following termination of commission, task force on vocational education, temporary transfer of commission to SPI: SSB 5839

Vocational education week: SFR 8612

Vocational excellence award recipients, tuition and fee waivers at colleges for two years: \*SHB 138, CH 231 (1987), SB 5203

Vocational technology center, public nonprofit corporation to be formed by Governor: \*SB 5996, CH 492 (1987)

**VOCATIONAL EDUCATION, COMMISSION FOR**

Janet Allison, reappointed member, GA 9007 . . . . . p. 26

Rev. Samuel B. McKinney, reappointed member, GA 9068 . . . . . p. 37

**VOCATIONAL REHABILITATION**

Joint select committee established: SCR 8407

**VOCATIONAL TECHNOLOGY CENTER**

Capital budget: \*SHB 327, CH 6 E1 (1987)

**VOGEL, ORVILLE A.**

Medal of merit award winner introduced and addressed senate . . . . . p. 1177

**VOGNILD, SENATOR LARRY L.**

Oath of office . . . . . p. 3

Appointed member commerce and labor, rules and ways and means committees . . . . . p. 24

Point of order, amendment to SB 5159 . . . . . p. 479

Parliamentary inquiry, ruling, SB 5744 . . . . . p. 850

Demand for call of the senate . . . . . pp. 862, 1889

Motion to dispense with call of the senate . . . . . p. 1927

Motion to suspend Reed's rule 133, E2SHB 527 . . . . . p. 2130

Point of order, E2SHB 758 not before body . . . . . p. 2341

Appointed interim member, committee on energy and utilities, legislative transportation committee . . . . . p. 2648

**VOLUNTEER FIRE FIGHTERS**

DNR liability limited: SB 5311, SSB 5311

Immunity, revisions: SB 6048, \*SSB 6048, CH 212 (1987)

Operating budget: \*SHB 1221, CH 7 E1 (1987)

Respiratory disease presumed to be occupationally related: \*SSB 5801, CH 515 (1987)



**VOLUNTEERS**

- Citizen assessment and public information volunteer staff within DCD, shareholder theme, centennial celebration: SB 5573
- Public disclosure, addresses and telephone numbers are private: \*SSB 5143, CH 404 (1987)
- School involvement program, volunteer program, state employees don't get docked for volunteering: SB 5476, SSB 5476

**VON REICHBAUER, SENATOR PETER**

- Oath of office ..... p. 3
- Appointed member financial institutions, rules and transportation committees p. 24
- Statement for the journal, intent on SHB 98 ..... p. 921
- Appointed interim member legislative transportation committee, local governance study commission ..... p. 2648

**VOTING**

- Absentee voters, uniformity and clarity: \*SHB 614, CH 346 (1987)
- Canvassing and recount procedures revised: SB 5045, \*SSB 5045, CH 54 (1987)
- Challenges, voter challenge procedures revised: \*SHB 291, CH 288 (1987)
- Employers to ensure employees have time to vote: \*SB 5693, CH 296 (1987)
- Registration by mail: SHB 554, SB 5332
- Registration, invalid, county auditor may investigate and cancel: \*SHB 773, CH 359 (1987), SB 5048
- Registration periods, revisions, 1st 15 of 30 day period: SHB 22
- Registration programs in high schools: SHB 804
- Restoration of civil rights: SB 5655, SSB 5655
- Voter registration, secretary of state to mail an informational package regarding registration: SB 5633
- Write-in candidates, party designation required: SB 5042

**WAGES (See also PREVAILING WAGE)**

- Backpay, unemployment compensation benefit impact: SHB 653, SB 5617
- Labor and industries, compliance and investigations, procedures: \*SHB 465, CH 172 (1987), SB 5613
- Nursing homes, appropriation for wages and benefits enhancements: \*HB 1260, CH 1 E2 (1987)
- Nursing home services, minimum wage adjustments: \*2SHB 1006, CH 476 (1987), SB 6011
- Operating budget, wage increase for certain DSHS services: \*SHB 1221, CH 7 E1 (1987)
- Prevailing wages, procedures for public works revised: SB 5690
- Study impact of minimum wage of 90% of federal poverty level: \*SHB 1221, CH 7 E1 (1987)
- Tips are wages only for income tax purposes: SB 5409

**WALLA WALLA**

- Veterans affairs medical center, remain as a full service center: \*SJM 8017 (1987)

**WALLA WALLA COMMUNITY COLLEGE DISTRICT NO. 20**

- Don S. Schwerin, trustee, GA 9098, confirmed ..... pp. 254, 1502, 2411
- Alexander Swantz, trustee, GA 9079, confirmed ..... pp. 39, 934, 2154

**WALLACE FALLS TRUST PROPERTY**

- DNR lands, certain transferred to the parks and recreation commission: SHB 550

**WALSH, DOUGLAS D.**

- Member, indeterminate sentencing review board  
GA 9035, confirmed ..... pp. 31, 2067, 2404

**WALTNER, KRISTI**

- Alternate dairy princess introduced ..... p. 252

**WAMSLEY, CHERIE**

Treasurer, future farmers of America introduced ..... p. 415

**WAREHOUSEMEN'S LIENS**

Priority over all other liens and security interests: \*SB 5085, CH 395 (1987)  
Violations, penalties increased: \*SHB 353, CH 393 (1987)

**WAREHOUSES**

B & O tax: HB 917  
Grain indemnity fund created: \*SB 5571, CH 509 (1987)

**WARNEKE, SENATOR FRANK J.**

Oath of office ..... p. 3  
Appointed member commerce and labor, chair; education and ways and  
means committees ..... p. 24  
Appointed interim member community economic revitalization  
board, Washington horse racing commission,  
select committee on labor/management, legislative committee  
on economic development ..... pp. 2647, 2648

**WARRANTIES**

Motor vehicles, enforcement provisions: SB 5502, \*SSB 5502, CH 344 (1987)  
Motor vehicles, what the 30 day period does not include: SSB 6046  
New motor vehicle arbitration board established: SB 5502, \*SSB 5502, CH 344  
(1987)

**WASHINES, ANTHONY**

Reappointed trustee, Yakima Valley community college  
district no. 16, GA 9061, confirmed ..... pp. 36, 933, 2048

**WASHINGTON, NAT**

Member, state wildlife commission, GA 9123 ..... p. 2046

**WASHINGTON PRODUCTS (See also MARKETING)**

Capital budget: \*SHB 327, CH 6 E1 (1987)  
Health services and products, promoting: SB 6063

**WASHINGTON SCHOLAR'S AWARD**

Tuition and fee waivers for private schools: SB 5558  
Tuition and fee waivers modified: \*SB 5110, CH 465 (1987)

**WASHINGTON STATE HISTORICAL SOCIETY**

Capital budget: \*SHB 327, CH 6 E1 (1987)  
Magnificent voyagers exhibit, operating budget: \*SHB 1221, CH 7 E1 (1987)  
Operating budget: \*SHB 1221, CH 7 E1 (1987)

**WASHINGTON STATE UNIVERSITY**

R. D. Leary, member, board of regents, GA 9037,  
confirmed ..... pp. 31, 1501, 1839  
Louis H. Pepper, member, board of regents, GA 9044,  
confirmed ..... pp. 33, 951, 1967  
Capital budget: \*SHB 327, CH 6 E1 (1987)  
ESU, transferring to WSU: SB 5445  
Operating budget: \*SHB 1221, CH 7 E1 (1987)  
Wine and grape research, liquor revolving fund: \*HB 1228, CH 458 (1987), SB  
5070, SSB 5070

**WASTE DISPOSAL**

Incinerator residues resulting from burning municipal wastes are classified as  
special: SB 5570, \*SSB 5570, CH 528 (1987)  
Permit violations, DOE to develop a penalty schedule: SB 5073  
Puget Sound, permit violations, DOE and PCHB to report on implementation and  
enforcement of PSWQA guidelines: SSB 5073  
Radioactive waste management, violations, penalties revised: SB 5895, SSB 5895

**WASTE DISPOSAL—cont.**

- Service agreements, financing provided: \*SHB 523, CH 436 (1987), SB 5454, SSB 5454
- Site cleanup responsibility: \*SB 6085, CH 2 E3 (1987)
- Waste water permits, incorporate conditions for all known, available, and reasonable methods to control toxics: \*SHB 499, CH 500 (1987)

**WASTE EXCHANGE**

- DOE to operate an exchange of dangerous wastes between industries: SHB 332

**WASTEWATER**

- Chehalis River, municipal discharge, standards adjusted to reflect credit for substances removed: \*SHB 571, CH 399 (1987)
- Columbia River, municipal discharge, standards adjusted to reflect credit for substances removed: \*SHB 571, CH 399 (1987)
- Cowlitz River, municipal discharge, standards adjusted to reflect credit for substances removed: SHB 571
- Lewis River, municipal discharge, standards adjusted to reflect credit for substances removed: SHB 571
- Municipal discharge from treatment plant into specified rivers: SHB 571
- Municipal discharge from treatment plants if water quality is intact: SB 5303, SSB 5303
- Permits, incorporate conditions for all known, available, and reasonable methods to control toxics: \*SHB 499, CH 500 (1987)
- Secondary treatment, compliance schedules, DOE to look at local factors: SHB 609
- Skagit River, municipal discharge, standards adjusted to reflect credit for substances removed: SHB 571
- Testing laboratories, DOE to certify labs: \*SHB 644, CH 481 (1987), SB 5590
- Wastewater treatment facilities, revisions regarding certification of workers, etc.: \*SHB 388, CH 357 (1987), SB 5406, SSB 5406

**WATER**

- Artificial diversion of surface waters onto another's land, just compensation: SB 5699
- Bogs, marshes, and swamps included in wetland and shoreline definition: SB 5984
- Conservation measures: SB 5314, SSB 5314
- Discharge permits, monitoring power increased, administrative revisions: SHB 447, SB 5473, SSB 5473
- Domestic water suppliers, delinquent, receivership, provisions: SB 5599, SSB 5599
- Drought forecast for 1987, planning: SSB 5993, \*SSB 5993, CH 343 (1987)
- Offshore resources, state-wide policies by DOE for managing the offshore environment: SB 5820
- Violations of environmental protection laws, penalties increased: SB 6009
- Violations of water pollution statutes, class C felony: HB 516, SB 5591
- Wastewater treatment facilities, revisions regarding certification of workers, etc.: \*SHB 388, CH 357 (1987), SB 5406, SSB 5406
- Well construction, reconstruction, and abandonment, penalties, license revisions: \*SHB 231, CH 394 (1987), SB 5211, SSB 5211
- Wetlands, DOE to report on need for expanded jurisdiction: SSB 5984

**WATER DISTRICTS**

- Absent commissioner, replacement process: \*SHB 2, CH 449 (1987)
- Annexation of unincorporated contiguous area: \*SHB 2, CH 449 (1987)
- Board membership, increased, process created: \*SHB 2, CH 449 (1987)
- Canada adjacent to territory, contract authority: \*SHB 2, CH 449 (1987)
- Competitive bidding: SB 5514, \*SSB 5514, CH 309 (1987)
- Competitive bidding, lowest responsible bidder, elements to consider: SB 5514
- Connection charge repayment period lengthened: \*SHB 2, CH 449 (1987)
- Foreclosure of local improvement assessments: \*SHB 2, CH 449 (1987)

**WATER DISTRICTS—cont.**

- Formation or reorganization, petition to specify the proposed assessment, assessment limited: \*SB 5019, CH 33 (1987)
- Levies for formation or reorganization shall be specified in the petition: SB 5019
- Privately financed extensions, districts cannot require plans be prepared by specific individual: \*SSB 5514, CH 309 (1987)
- Revenue bond authority to include other corporate purposes: \*SHB 2, CH 449 (1987)
- Sale of property, no purchasers for appraised value, procedure: SHB 97
- Secondary sewage treatment, waiver allowed when certain conditions met: SB 5044
- Street lighting creation decision, objection period shortened: \*SHB 2, CH 449 (1987)
- Transfer of parts of district to adjacent district: \*SHB 2, CH 449 (1987)
- Voter approval for the formation of county local improvement districts: SB 5738

**WATER PERMITS**

- Yakima River basin enhancement project, revisions regarding new permits: \*SHB 978, CH 517 (1987)

**WATER POLLUTION CONTROL FACILITIES**

- Financing provided: \*SHB 523, CH 436 (1987), SB 5454, SSB 5454

**WATER QUALITY**

- Agriculture, nonpoint activity, procedures to investigate and remedy: SHB 543
- Aquaculture siting dispute resolution process to be established by DNR: SB 5122
- Chehalis River, municipal discharge, standards adjusted to reflect credit for substances removed: \*SHB 571, CH 399 (1987)
- Columbia River, municipal discharge, standards adjusted to reflect credit for substances removed: \*SHB 571, CH 399 (1987)
- Cowlitz River, municipal discharge, standards adjusted to reflect credit for substances removed: \*SHB 571, CH 399 (1987)
- Discharge permits, monitoring power increased, administrative revisions: SHB 447, SB 5473, SSB 5473
- Everett home port, land conveyance for dredge spoils: SB 5604, \*SSB 5604, CH 271 (1987)
- Houseboat water quality account created: SB 5005
- Lewis River, municipal discharge, standards adjusted to reflect credit for substances removed: SHB 571
- Lewis River, revisions: \*SHB 571, CH 399 (1987)
- Liens, delinquent aquifer protection fees: \*HB 1016, CH 381 (1987)
- Marina waste disposal: SB 5306, SSB 5306
- Municipal discharge from treatment plant into certain specified rivers: SHB 571
- Municipal discharge from treatment plants if water quality is intact: SB 5303, SSB 5303
- Puget Sound, disposal of materials limited: SB 5575
- Puget Sound, permit violations, DOE and PCHB to report on implementation and enforcement of PSWQA guidelines: SSB 5073
- Saltwater net pens, demonstration and study by DNR: SB 5122, SSB 5122
- Secondary treatment, compliance schedules, DOE to look at local factors: SHB 609
- Service agreements, financing provided: \*SHB 523, CH 436 (1987), SB 5454, SSB 5454
- Sewage disposal, aquifer protection fee reduction for low-income persons: \*HB 1016, CH 381 (1987)
- Skagit River, municipal discharge, standards adjusted to reflect credit for substances removed: SHB 571
- Skagit River, revisions: \*SHB 571, CH 399 (1987)
- Violations of water pollution statutes, class C felony: HB 516, SB 5591
- Wastewater permits, incorporate conditions for all known, available, and reasonable methods to control toxics: \*SHB 499, CH 500 (1987)

**WATER QUALITY—cont.**

- Wastewater treatment facilities, revisions regarding certification of workers, etc.: \*SHB 388, CH 357 (1987), SB 5406, SSB 5406
- Water quality account, a percentage must be transferred to the state conservation commission: \*HB 326, CH 527 (1987), SB 5349, SSB 5349, SB 5542, SB 6051
- Water quality account, mandatory 1/4% of 2.5% transferred to conservation commission to be spent on research: \*HB 326, CH 527 (1987)
- Water quality account, water pollution control facilities, extended grant payment contracts: \*HB 1205, CH 516 (1987)

**WATER RECREATION**

- Revisions: \*SHB 259, CH 222 (1987), SB 5230, SSB 5230

**WATER RIGHTS**

- Artificial diversion of surface waters onto another's land, just compensation: SB 5699
- Certification period extended to August 1987: SB 5594, \*SSB 5594, CH 93 (1987)
- Claims, amendment to claims authorized under certain conditions: \*SB 5594, CH 93 (1987)
- Drought forecast for 1987, planning: SSB 5993, \*2SSB 5993, CH 343 (1987)
- Federal conservation reserve programs, relinquishment of rights prohibited: \*SHB 232, CH 125 (1987), SB 5210, SSB 5210
- Nonrelinquishment, categories modified: \*SB 6003, CH 491 (1987)

**WATER SLIDES**

- Revisions: \*SHB 259, CH 222 (1987), SB 5230, SSB 5230

**WEATHERIZATION**

- Low-income households eligible for assistance: SB 5014, \*SSB 5014, CH 36 (1987)

**WEED CONTROL BOARDS**

- Immunity from civil liability for acts within scope of duties: SB 5021

**WEEDS**

- Noxious weed control modified: \*SHB 648, CH 438 (1987), SB 5785

**WELLER, JIM**

- Eagle scout from South Bend introduced ..... p. 247

**WELLNESS PROGRAM**

- State employees, wellness program established: \*SB 5217, CH 248 (1987)

**WELLS**

- Construction, reconstruction, and abandonment, penalties, license revisions: \*SHB 231, CH 394 (1987), SB 5211, SSB 5211

**WENATCHEE VALLEY COMMUNITY COLLEGE DISTRICT NO. 15**

- Mary Henrie, reappointed trustee,  
GA 9060, confirmed ..... pp. 36, 932, 2047
- Grace L. Lynch, trustee, GA 9167 ..... p. 2709
- Howard H. Pryor, trustee,  
GA 9042, confirmed ..... pp. 32, 932, 1839

**WEST, SENATOR JAMES E.**

- Oath of office ..... p. 3
- Appointed member commerce and labor and  
transportation committees ..... p. 24
- Points of order, amendments to SHB 476 ..... pp. 1266, 1267, 1268
- Point of order, amendment to ESHB 341 ..... p. 1272
- Parliamentary inquiry, notice of reconsideration not timely,  
ESHB 26 ..... p. 1470
- Amendment to SHB 646 ..... p. 1573
- Point of order, amendment to SSB 6016 ..... p. 2428
- Parliamentary inquiry, majority of votes needed  
to pass SSB 6076 ..... p. 2431

**WEST, SENATOR JAMES E.—cont.**

- Motion to consider rules change ..... p. 2443  
 Appointed interim member Washington horse racing commission, joint select committee on labor/management, municipal research council, legislative transportation committee ..... pp. 2647, 2648

**WESTERN LIBRARY NETWORK**

- Procedures modified, civil service exemptions provided: \*HB 135, CH 389 (1987)

**WESTERN WASHINGTON UNIVERSITY**

- Gordon Sandison, reappointed trustee,  
 GA 9056, confirmed ..... pp. 35, 951, 1863  
 Capital budget: \*SHB 327, CH 6 E1 (1987)  
 Children's services staff training academy, implementation plan by DSHS and WWU: SB 5554  
 Educational attainment of students, value-added testing, operating budget: \*SHB 1221, CH 7 E1 (1987)  
 Operating budget: \*SHB 1221, CH 7 E1 (1987)

**WESTPORT-PUGET ISLAND FERRY**

- Revising the reimbursement formula: \*SB 5159, CH 368 (1987)

**WETLANDS**

- Bogs, marshes, and swamps included in wetland and shoreline definition: SB 5984  
 DOE to report on need for expanded jurisdiction: SSB 5984

**WHATCOM COMMUNITY COLLEGE DISTRICT NO. 21**

- Inez P. Johnson, trustee, GA 9081, confirmed ..... pp. 40, 934, 2356

**WHEAT**

- State sandwich, salmon on whole wheat bread: SB 5759

**WHEAT QUEEN**

- Queen Brenda R. Isaak introduced and addressed senate ..... p. 309

**WHISTLEBLOWERS**

- Protection given to employees reporting improper activity to legislators: SB 5031, SSB 5031

**WILDLIFE**

- Arctic national wildlife refuge coastal plain, request that the area be opened to exploitation: SJM 8015  
 Department created, game department abolished: \*2SHB 758, CH 506 (1987), SB 5664, SSB 5664  
 Department of wildlife created, Governor's request: SB 5664  
 Endangered species conservation act: 2SHB 210  
 Game department name changed to the department of wildlife, funds renamed as well: SB 5251  
 Injured wildlife, game commission to contract with veterinarians, toll-free hotline: SB 5039  
 Injured wildlife, network of vets and rehabilitators to be created by department: SSB 5039  
 Ocean beaches, management program authorized: SB 5434, SSB 5434  
 Trapping, placement of traps on private property regulated: \*SHB 542, CH 372 (1987)  
 Trapping prohibited on private property without written permission: SB 5938  
 Trophy hunting of post-mature males from special herds: \*2SHB 758, CH 506 (1987)

**WILDLIFE COMMISSION**

- John C. McGlenn, member, GA 9136 ..... p. 2704  
 Nat Washington, member, GA 9123 ..... p. 2046

**WILKERSON, WILLIAM R.**

Director, department of revenue,  
GA 9074, confirmed ..... pp. 38, 933, 2413

**WILLIAMS, SENATOR AL**

Oath of office ..... p. 3  
Appointed member energy and utilities, chair; commerce  
and labor and ways and means committees ..... p. 24  
Point of order, amendment to SHB 692 ..... p. 1745

**WILLS**

Affidavit of debt owed to deceased, revisions regarding revenue claim notice:  
\*SHB 489, CH 157 (1987)  
Natural death act, major revisions: SB 5696  
Natural death act, revisions: SB 5401, SSB 5401  
Personal representative's filing of receipts, retention period modified: \*SHB 217,  
CH 363 (1987), SB 5279, SSB 5279  
Premarital agreement act: SB 5033

**WILSON, BRUCE A.**

Member, public disclosure commission  
GA 9072, confirmed ..... pp. 38, 905, 952

**WILSON, JOANNE BAILEY**

Member, personnel appeals board,  
GA 9034, confirmed ..... pp. 31, 141, 304, 564

**WINE**

Advertising must carry warning of hazards: SB 5207  
Fortified wine retailer's license: SHB 1066, \*SHB 1158, CH 386 (1987)  
Nonliquor food products credit sales by wine and beer wholesalers: SB 5319  
Reciprocity for out-of-date wine shipments: SB 5358  
Research, liquor revolving fund: \*HB 1228, CH 458 (1987), SB 5070, SSB 5070  
Tax, additional tax for wine commission: 2SHB 569  
Washington wine commission established: \*2SHB 569, CH 452 (1987), SB 5503, SSB  
5503

**WINN, NORMAN L.**

Reappointed member, forest practices appeals board,  
GA 9114 ..... p. 763

**WINSTON, VIVIAN**

Reappointed member, higher education coordinating board,  
GA 9141 ..... p. 2705

**WINTER RECREATION**

Commission reestablished: SB 5081, \*SSB 5081, CH 526 (1987)  
Operating budget: \*SHB 1221, CH 7 E1 (1987)  
Operating budget, technical assistance to Okanogan County: \*SHB 1221, CH 7 E1  
(1987)

**WIRE-TAPPING**

Drugs, one-party consent law changed: SB 5070, SSB 5070, SB 5362

**WITLOCK, HELEN**

Sentinel, future farmers of America introduced ..... p. 415

**WITNESSES**

Sexual offenses and child assault, reporting revised: \*2SHB 586, CH 503 (1987), SB  
5065, SSB 5065

**WOJAHN, SENATOR R. LORRAINE**

Appointed member human services and corrections, chair; commerce and labor  
and ways and means committees ..... p. 24  
Parliamentary inquiry, majority of votes needed, SSB 6062 ..... p. 813

**WOJAHN, SENATOR R. LORRAINE—cont.**

Points of order, amendments to HB 209	pp. 1094, 1095
Point of order, amendment to SHB 563	p. 1101
Parliamentary inquiry, order of amendments, SHB 1158	p. 1457
Point of order, amendment to SHB 1158	p. 1458
Points of order, house amendments to SSB 5163	pp. 1813, 1823
Personal privilege, Phil Donahue show	p. 2452
Point of order, SHB 1225 properly before senate	p. 2638
Appointed interim member legislative budget committee	p. 2648

**WOOD STOVES**

Emissions regulated, performance standards for new stoves: *2SHB 16, CH 405 (1987), SB 5315, SSB 5315
Wood burning during certain times prohibited if another heat source is available: *2SHB 16, CH 405 (1987), SSB 5315
Wood stove education account: *2SHB 16, CH 405 (1987), SSB 5315
Wood stove public education fund created: SB 5315

**WOODARD BAY**

Natural resources conservation areas, designation process: SB 5322, SSB 5322, *SSB 5911, CH 472 (1987)
--

**WORD PROCESSING**

Video display terminals, L & I to regulate: SB 5486, SSB 5486
Video display terminals, study by the UW on health and safety hazards, operating budget: *SHB 1221, CH 7 E1 (1987)

**WORK**

Employee cooperatives authorized: *SHB 430, CH 457 (1987)
Family independence program established to reduce poverty: *2SHB 448, CH 434 (1987), SB 5471
Family or medical leave: 2SHB 565
Hours of 11 p.m. to 6 a.m., security measures required: SHB 473
Idaho residents working in bordering Washington counties to pay tax: SB 5956
Local reemployment centers: SB 5441, SSB 5441, 2SSB 5441
Older workers and long-term unemployed have priority for unemployment services: SB 5393, *SSB 5393, CH 284 (1987)
Smoking in the workplace regulated: SHB 13
Smoking pollution control act, if nonsmokers cannot be accommodated then smoking is prohibited: SHB 13, SB 5399
Smoking, state agencies, no smoking if a satisfactory accommodation between smokers and nonsmokers cannot be reached: SSB 5399
Unfair employment criteria, may not withhold or terminate employment based on known or suspected personal habits of the employee: SB 5789
Unjust discharge, arbitration procedures established: SB 5965

**WORKER AND COMMUNITY RIGHT-TO-KNOW**

Advisory council revisions: *HB 678, CH 24 (1987), SB 5656
Consumer product explained: *SSB 5405, CH 365 (1987)
Hazardous substance defined for employer information disclosure: SB 5405

**WORKERS' COMPENSATION**

Agriculture labor covered: *SHB 677, CH 316 (1987), SB 5612
Appeals modified regarding assessment revisions: *SHB 677, CH 316 (1987)
Architects and design professionals, recovery against by injured worker: SB 6048, *SSB 6048, CH 212 (1987)
Asbestos, industrial insurance benefits: SHB 1015
Assessment notices, appeals, revisions: SHB 677, SB 5583
Community service for offenders, limited to medical aid benefits: SB 6042
Corporations, modifications: *SHB 677, CH 316 (1987), SB 5612
Disability benefit rates modified: SHB 400, SB 5611
Fees and medical charges, interest, revisions: *SHB 677, CH 316 (1987)



**WORKERS' COMPENSATION—cont.**

- Fire fighters, respiratory disease presumed to be occupationally related: \*SSB 5801, CH 515 (1987)
- Fraud appeals, evidence introduction changed: \*HB 187, CH 151 (1987), SB 5216
- Health care access act of 1987: \*2SHB 477, CH 5 E1 (1987), SB 5357
- Hospital in-patient services, service contracts or other prudent cost-effective payment methods, as well as DRG: \*HB 462, CH 470 (1987), SB 5635
- Immunity, third-party contractors: SB 5262, \*SSB 6048, CH 212 (1987)
- Investment of excess industrial insurance funds, investment criteria: SB 5959
- Law enforcement, heart disease is presumed to be occupationally related: SSB 5801
- Lost payments, duplicate issuance authorized: SB 5866
- Obsolete references removed: \*SHB 1069, CH 185 (1987)
- Occupational disease, preexisting condition, revisions: SB 5281
- Penalties for misrepresentation, inaccurate reports and claims, revisions: SB 5584, \*SSB 5584, CH 221 (1987)
- Preexisting condition, revisions: SB 5281
- Premiums, repeals building industry/rate base computation: \*HB 399, CH 210 (1987), SB 5610
- Readjustments, application within 5 years versus 7: SB 5945
- Release of medical information, department discretion eliminated: HB 157, SB 5343
- Reporting and taxation system, unified system for business identification, reporting, and compliance: \*HB 148, CH 111 (1987), SB 5585
- Schools, services rendered by IAA or other nonprofit entity are not covered by workers' compensation: SB 6052
- Self-insured employers' funds, reimbursement for payments made out of own fund when state benefits applicable: SB 5788
- Self-insureds to pay hospital bills within a certain time period: SB 5636
- Self-insurers, forwarding of claims and documentation within 10 working days: \*SHB 937, CH 290 (1987)
- Self-insurers may select physicians to examine industrial insurance claimants: SB 5282
- Self-insurers, must maintain unit to manage industrial insurance: SHB 935
- Shake/shingle mill rates frozen: SB 5964
- Subpoena power extended to director's assistants: \*SHB 677, CH 316 (1987)
- Suspension of award for refusal to comply with medical exam or treatment: SB 5280
- Third parties, actions against, lien by department: SB 6048, \*SSB 6048, CH 212 (1987)
- Third parties, actions against limited: SB 6041, SSB 6041
- Wages redefined, tips are wages only for income tax purposes: SB 5409

**WORTMAN, MELVIN D.**

Member, parks and recreation commission.

GA 9101, confirmed ..... pp. 254, 443, 1979

**WPPSS**

- BPA, prohibiting sale: \*SJM 8005 (1987)
- Conservation as a source of electrical energy for joint operating agencies: \*HB 541, CH 376 (1987)
- Energy facility site evaluation, certification, definitions revised regarding transmission facilities: SB 5372
- Energy facility site evaluation, construction includes suspension of construction: SB 5213, SSB 5213
- Energy facility site evaluation, federal facilities, compliance with substantive state siting standards: SB 5372, SSB 5372
- Energy facility site evaluation, rules for expedited processing based on reduced risk to physical and social environment: SB 5372
- Purchase and contracting authority: \*HB 541, CH 376 (1987)

**WPPSS EXECUTIVE BOARD OF DIRECTORS**

Cornelius R. Duffie, reappointed member, GA 9006	p. 26
Sam. J. Farmer, Jr., member, GA 9013	p. 27
Sydney Steinborn, reappointed member, GA 9053,	p. 34

**WRIT OF MANDAMUS**

Authorized for certain permit denials involving 1st and 14th amendment: HB 555

**XIANG, FU ZHONG**

Exchange teacher from China introduced p. 568

**X-RAYS**

Certifying radiological and nuclear medicine technologists: \*SHB 134, CH 412 (1987), SB 5064, SSB 5064

**YAKIMA FIRING CENTER**

Expansion unwanted: SJM 8010

**YAKIMA RIVER**

Yakima River basin enhancement project, revisions regarding new permits: \*SHB 978, CH 517 (1987)

**YAKIMA VALLEY COMMUNITY COLLEGE DISTRICT NO. 16**

Coralee Mattingly, trustee, GA 9137	p. 2704
Anthony Washines, reappointed trustee, GA 9061, confirmed	pp. 36, 933, 2048

**YANTIS**

Capital Lake interpretive center and grounds: SB 6047  
Capital Lake renamed Lake Yantis: SB 5049

**YOUTH EMPLOYMENT**

Age eligibility revisions: \*SHB 706, CH 167 (1987)  
Conservation corps coordinating council sunset extended: \*HB 707, CH 367 (1987)  
Conservation corps, program goals expanded: \*HB 707, CH 367 (1987)  
Distressed areas, 60% of funds: \*SHB 706, CH 167 (1987)  
Education incentives: \*SHB 706, CH 167 (1987)  
Youth employment exchange duties increased: \*SHB 706, CH 167 (1987)  
Youth employment exchange renamed the Washington service corps: \*SHB 706, CH 167 (1987)

**ZAARONG, LIU**

Exchange teacher from China introduced p. 568

**ZIMMERMAN, SENATOR HAL**

Appointed member governmental operations, rules and ways and means committees	p. 24
Appointed member of committee, memorial service, HCR 4406	p. 182
Personal privilege, promotion dairy products, etc.	p. 256
Personal privilege, apple orchards along Columbia River	p. 383
Personal privilege, honoring trooper James Gain	p. 501
Point of order, clarification of amendment, ESHB 454	p. 1703
Appointed interim member legislative budget committee, local governance study commission, municipal research council	p. 2648

**ZUIDERVELD, ROBIN**

Cadette girl scout presented flag p. 590

**911**

Emergency service communication districts authorized: \*SHB 11, CH 17 (1987)